

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 705

Introduced by Urban Affairs Committee: Crawford, 45, Chairperson; Coash, 27; Ebke, 32; Hansen, 26; Howard, 9; Hughes, 44; McCollister, 20.

Read first time January 06, 2016

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities of the first class; to amend
2 sections 16-102, 16-103, 16-104, 16-105, 16-117, 16-119, 16-120,
3 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129, 16-202,
4 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220,
5 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232,
6 16-233, 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249,
7 16-251, 16-253, 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309,
8 16-310, 16-312, 16-314, 16-319, 16-320, 16-321, 16-322, 16-323,
9 16-324, 16-325, 16-326, 16-327, 16-401, 16-402, 16-403, 16-404,
10 16-405, 16-406, 16-501, 16-502, 16-503, 16-606, 16-607, 16-609,
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15 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01,
16 16-672.02, 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07,
17 16-672.08, 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680,
18 16-681, 16-682, 16-683, 16-684, 16-684.01, 16-686, 16-686.01,
19 16-687, 16-688, 16-691, 16-691.01, 16-691.02, 16-692, 16-693,
20 16-694, 16-695, 16-696, 16-697, 16-697.01, 16-697.02, 16-698,
21 16-699, 16-6,100, 16-6,100.03, 16-6,100.05, 16-6,101, 16-6,102,
22 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108, 16-6,109, 16-701,

1 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712, 16-713,
2 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722,
3 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804,
4 16-805, 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905,
5 16-1014, 16-1034, 16-1035, and 19-2402, Reissue Revised Statutes of
6 Nebraska, and sections 16-313, 16-317, and 16-318, Revised Statutes
7 Cumulative Supplement, 2014, and sections 16-207, 16-230, 16-240,
8 16-243, 16-250, 16-615, 16-630, 16-631, 16-664, 16-669, 16-672, and
9 16-708, Revised Statutes Supplement, 2015; to change provisions
10 relating to cities of the first class; to harmonize provisions; and
11 to repeal the original sections.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-102, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-102 Whenever any city of the second class attains a population of
4 more than five thousand inhabitants as provided by section 16-101, the
5 mayor of such city shall certify such fact to the Secretary of State who
6 upon the filing of such certificate shall by proclamation declare such
7 city to be a city of the first class. Upon such proclamation being made
8 by the Secretary of State, every officer of such city ~~cities~~ shall,
9 within thirty days thereafter, qualify and give bond as provided by
10 sections 16-219, 16-304, and 16-318.

11 Sec. 2. Section 16-103, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-103 (1) After the proclamation under section 16-102, the city
14 shall be governed by the laws of this state applicable to cities of the
15 first class, except that the government of such city shall continue as
16 organized at the date of such proclamation until the reorganization as a
17 city of the first class.

18 (2) The mayor and city council members of the city of the second
19 class shall be deemed to be the mayor and city council members of the
20 city of the first class on the date the proclamation is issued. All
21 ordinances, bylaws, acts, rules, regulations, obligations, and
22 proclamations existing and in force in or with respect to the city of the
23 second class at the time of its incorporation as a city of the first
24 class shall remain in full force and effect after such incorporation
25 until repealed or modified by the city within one year after the date of
26 the filing of the certificate pursuant to section 16-102.

27 (3) For the purpose of electing city officials under the provisions
28 of law relating to cities of the first class, the terms of office for
29 such officials shall be established by the city council ~~city's governing~~
30 ~~body~~ so as to conform with the intent and purpose of section 32-534.

31 Sec. 3. Section 16-104, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-104 If a city of the second class becomes a city of the first
3 class, the mayor and city council shall divide the city into not less
4 than three wards, as compact in form and equal in population as may be,
5 the boundaries of which shall be defined by ordinance, to take effect at
6 the next annual city election after reorganization except as provided in
7 section 32-553. Each ward shall constitute an election district, except
8 that when any ward has over five hundred legal voters, the mayor and city
9 council may divide such ward into two or more election districts. If it
10 is necessary to establish the staggering of terms by nominating and
11 electing council members for terms of different durations at the same
12 elections, the candidates receiving the greatest number of votes shall be
13 nominated and have their names placed on the general election ballot.

14 Sec. 4. Section 16-105, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-105 Precinct lines in any part of any county not under township
17 organization, embraced within the corporate limits of a city of the first
18 class ~~such city~~, shall correspond with the ward lines of the city, and
19 such precinct shall correspond in number with the ward of the city and be
20 coextensive with the ward. When same; ~~Provided, when~~ a ward is divided
21 into election districts, the precinct corresponding with such ward shall
22 be divided so as to correspond with the election districts.

23 Sec. 5. Section 16-117, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-117 (1) Except as provided in sections 13-1111 to 13-1120 and
26 16-130 and subject to this section, the mayor and city council of a city
27 of the first class may by ordinance at any time include within the
28 corporate limits of such city any contiguous or adjacent lands, lots,
29 tracts, streets, or highways as are urban or suburban in character and in
30 such direction as may be deemed proper. Such grant of power shall not be
31 construed as conferring power upon the mayor and city council to extend

1 the limits of a city of the first class over any agricultural lands which
2 are rural in character.

3 (2) The invalidity of the annexation of any tract of land in one
4 ordinance shall not affect the validity of the remaining tracts of land
5 which are annexed by the ordinance and which otherwise conform to state
6 law.

7 (3) The city council proposing to annex land under the authority of
8 this section shall first adopt both a resolution stating that the city is
9 proposing the annexation of the land and a plan for extending city
10 services to the land. The resolution shall state:

11 (a) The time, date, and location of the public hearing required by
12 subsection (5) of this section;

13 (b) A description of the boundaries of the land proposed for
14 annexation; and

15 (c) That the plan of the city for the extension of city services to
16 the land proposed for annexation is available for inspection during
17 regular business hours in the office of the city clerk.

18 (4) The plan adopted by the city council shall contain sufficient
19 detail to provide a reasonable person with a full and complete
20 understanding of the proposal for extending city services to the land
21 proposed for annexation. The plan shall (a) state the estimated cost
22 impact of providing the services to such land, (b) state the method by
23 which the city plans to finance the extension of services to the land and
24 how any services already provided to the land will be maintained, (c)
25 include a timetable for extending services to the land proposed for
26 annexation, and (d) include a map drawn to scale clearly delineating the
27 land proposed for annexation, the current boundaries of the city, the
28 proposed boundaries of the city after the annexation, and the general
29 land-use pattern in the land proposed for annexation.

30 (5) A public hearing on the proposed annexation shall be held within
31 sixty days following the adoption of the resolution proposing to annex

1 land to allow the city council to receive testimony from interested
2 persons. The city council may recess the hearing, for good cause, to a
3 time and date specified at the hearing.

4 (6) A copy of the resolution providing for the public hearing shall
5 be published in a legal ~~the official~~ newspaper in or of general
6 circulation in the city at least once not less than ten days preceding
7 the date of the public hearing. A map drawn to scale delineating the land
8 proposed for annexation shall be published with the resolution. A copy of
9 the resolution providing for the public hearing shall be sent by first-
10 class mail following its passage to the school board of any school
11 district in the land proposed for annexation.

12 (7) Any owner of property contiguous or adjacent to a city of the
13 first class may by petition request that such property be included within
14 the corporate limits of such city. The mayor and city council may include
15 such property within the corporate limits of the city without complying
16 with subsections (3) through (6) of this section.

17 (8) Notwithstanding the requirements of this section, the mayor and
18 city council are not required to approve any petition requesting
19 annexation or any resolution or ordinance proposing to annex land
20 pursuant to this section.

21 Sec. 6. Section 16-119, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-119 Any extraterritorial zoning regulations, property use
24 regulations, or other laws, codes, rules, or regulations imposed upon any
25 annexed lands by the city before such annexation shall continue in full
26 force and effect until otherwise changed.

27 Sec. 7. Section 16-120, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-120 The inhabitants of territories annexed by a ~~to such~~ city of
30 the first class shall receive substantially the services of other
31 inhabitants of such city as soon as practicable. Adequate plans and

1 necessary city council action to furnish such services shall be adopted
2 not later than one year after the date of annexation, and such
3 inhabitants shall be subject to the ordinances and regulations of such
4 city, except that the one-year period shall be tolled pending final court
5 decision in any court action to contest such annexation.

6 Sec. 8. Section 16-122, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-122 In addition to existing annexation powers, the mayor and city
9 council of any city of the first class may by ordinance annex any village
10 or ~~second-class~~ city of the second class which is entirely surrounded by
11 such city of the first class, if the following conditions exist:

12 (1) The city has water mains adjacent to the village or ~~second-class~~
13 city of the second class which are available for extension into and have
14 capacity to serve the village or ~~second-class~~ city of the second class;

15 (2) The city has sanitary sewer lines adjacent to the village or
16 ~~second-class~~ city of the second class which are available for extension
17 into and have capacity to serve the village or ~~second-class~~ city of the
18 second class;

19 (3) The city has water and sewer treatment facilities which have the
20 capacity to serve the village or ~~second-class~~ city of the second class;
21 and

22 (4) The city has police, fire, and snow removal facilities which
23 have the capacity to serve the village or ~~second-class~~ city of the second
24 class.

25 In determining whether a village or ~~second-class~~ city of the second
26 class is entirely surrounded by a city for annexation purposes, any land
27 adjacent to the village or ~~second-class~~ city of the second class which is
28 legally immune from annexation by either the city or the village, or
29 ~~second-class~~ city of the second class, shall not be considered if the
30 village or ~~second-class~~ city of the second class is otherwise surrounded
31 by the city.

1 Sec. 9. Section 16-124, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-124 Whenever any city of the first class shall extend its
4 boundaries so as to annex any village or ~~second-class~~ city of the second
5 class, the charter, laws, ordinances, powers, and government of such city
6 of the first class shall at once extend over the territory ~~embraced~~
7 within any village or ~~second-class~~ city of the second class so annexed.
8 Such city of the first class shall succeed to all the property and
9 property rights of every kind, contracts, obligations, and choses in
10 action of every kind held by or belonging to the village or ~~second-class~~
11 city of the second class so annexed; and it shall be liable for and
12 assume and carry out all valid contracts, obligations, franchises, and
13 licenses of any such village or ~~second-class~~ city of the second class so
14 annexed. ~~Any ; Provided, that any~~ obligations incurred by such village or
15 ~~second-class~~ city of the second class for water, paving, sewer or sewer
16 treatment purposes, shall remain the obligation of the real property in
17 such village or ~~second-class~~ city of the second class as its boundaries
18 existed immediately prior to such annexation. Such village or ~~second-~~
19 ~~class~~ city of the second class so annexed shall be deemed fully
20 compensated by virtue of such annexation and the assumption of its
21 obligations and contracts for all its property and property rights of
22 every kind so acquired.

23 Sec. 10. Section 16-125, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-125 All taxes, assessments, fines, licenses, fees, claims, and
26 demands of every kind assessed or levied against persons or property
27 within any ~~such~~ village or ~~second-class~~ city of the second class so
28 annexed under section 16-122 , shall be paid to and collected by the ~~such~~
29 city of the first class.

30 Sec. 11. Section 16-126, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-126 All taxes and special assessments which a such village or
2 ~~second-class~~ city of the second class ~~so~~ annexed under section 16-122 was
3 authorized to levy or assess and which are not levied or assessed at the
4 time of such annexation for any kind of public improvements ~~made by it~~ or
5 in process of construction or contracted for, may be levied or assessed
6 by the such city of the first class. Such ~~, and such~~ city of the first
7 class shall have power to reassess or relevy all special assessments or
8 taxes levied or assessed by any such village or ~~second-class~~ city of the
9 second class ~~so~~ annexed, ~~in all cases~~ where such village or ~~second-class~~
10 city of the second class is authorized to make reassessments or relevies
11 of such taxes and assessments.

12 Sec. 12. Section 16-127, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-127 All actions at law or in equity pending in any court in favor
15 of or against any village or ~~second-class~~ city of the second class ~~so~~
16 annexed under section 16-122 at the time such annexation takes effect,
17 shall be prosecuted by or defended by the such city of the first class.
18 All ~~, and all~~ rights of action existing against any village or ~~second-~~
19 ~~class~~ city of the second class ~~so~~ annexed under section 16-122 at the
20 time of such annexation or accruing thereafter on account of any
21 transaction had with or under any law or ordinance of such village or
22 ~~second-class~~ city of the second class ~~, and~~ may be prosecuted against the
23 ~~such~~ city of the first class.

24 Sec. 13. Section 16-128, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-128 All officers of any village or ~~second-class~~ city of the
27 second class ~~so~~ annexed under section 16-122 having books, papers,
28 records, bonds, funds, effects, or property of any kind ~~in their hands or~~
29 under their control belonging to any such village or ~~second-class~~ city of
30 the second class, shall upon taking effect of such annexation deliver the
31 books, papers, records, bonds, funds, effects, or property ~~same~~ to the

1 respective officers of the ~~such~~ city of the first class as may be by law
2 or ordinance or limitation of such city entitled or authorized to receive
3 such items ~~the same~~. Upon such annexation taking effect, the terms and
4 tenure of all offices and officers of any such village or ~~second-class~~
5 city of the second class ~~so~~ annexed shall terminate and entirely cease.

6 Sec. 14. Section 16-129, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-129 Whenever any person or persons owning any real property
9 within and adjacent to the corporate limits of any city of the first
10 class ~~or whenever the owner or owners of any unoccupied territory so~~
11 ~~situated owning land of not less than twenty acres~~ shall desire to have
12 such property ~~the same~~ disconnected from the city ~~therefrom~~, they may
13 file a request with the city council, asking that such territory be
14 detached ~~therefrom~~. The request shall contain the legal description of
15 the property sought to be detached. If the city council determines that
16 the property meets the requirements of this section and that part or all
17 thereof ought to be detached, it shall by a majority vote of its members
18 order such property detached from the city. A certified copy of such
19 order shall be filed by the city clerk in the office of the register of
20 deeds.

21 Sec. 15. Section 16-202, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-202 The power to sell and convey any real estate owned by a ~~the~~
24 city of the first class, including park land, except real estate used in
25 the operation of public utilities and except real estate for state armory
26 sites for the use of the State of Nebraska as expressly provided in
27 section 16-201, shall be exercised by ordinance directing the conveyance
28 of such real estate and the manner and terms thereof. Notice of such sale
29 and the terms thereof shall be published for three consecutive weeks in a
30 legal newspaper ~~published~~ in or of general circulation in such city
31 immediately after the passage and publication of such ordinance.

1 If within thirty days after the passage and publication of such
2 ordinance a remonstrance petition ~~remonstrance~~ against such sale is
3 signed by registered voters of the city equal in number to thirty percent
4 of the registered voters of the city voting at the last regular city
5 ~~municipal~~ election held therein and is filed with the city council
6 ~~governing body of such city~~, the property shall not then, nor within one
7 year thereafter, be sold. If the date for filing the petition
8 ~~remonstrance~~ falls upon a Saturday, Sunday, or legal holiday, the
9 signatures shall be collected within the thirty-day period, but the
10 filing shall be considered timely if filed or postmarked on or before the
11 next business day. Upon the receipt of the petition ~~remonstrance~~, the
12 city council ~~governing body of such city~~, with the aid and assistance of
13 the election commissioner or county clerk, shall determine the validity
14 and sufficiency of signatures on the petition ~~remonstrance~~. The city
15 council ~~governing body of such city~~ shall deliver the petition
16 ~~remonstrance~~ to the election commissioner or county clerk by hand
17 carrier, by use of law enforcement officials, or by certified mail,
18 return receipt requested. Upon receipt of the petition ~~remonstrance~~, the
19 election commissioner or county clerk shall issue to the city council
20 ~~governing body~~ a written receipt that the petition ~~remonstrance~~ is in the
21 custody of the election commissioner or county clerk. The election
22 commissioner or county clerk shall compare the signature of each person
23 signing the petition ~~remonstrance~~ with the voter registration records to
24 determine if each signer was a registered voter on or before the date on
25 which the petition ~~remonstrance~~ was filed with the city council ~~governing~~
26 ~~body~~. The election commissioner or county clerk shall also compare the
27 signer's printed name, street, and number or voting precinct, and city,
28 village, or post office address with the voter registration records to
29 determine whether the signer was a registered voter. The signature and
30 address shall be presumed to be valid only if the election commissioner
31 or county clerk determines that the printed name, street, and number or

1 voting precinct, and city, village, or post office address matches the
2 registration records and that the registration was received on or before
3 the date on which the remonstrance petition was filed with the city
4 council governing body. The determinations of the election commissioner
5 or county clerk may be rebutted by any credible evidence which the city
6 council governing body finds sufficient. The express purpose of the
7 comparison of names and addresses with the voter registration records, in
8 addition to helping to determine the validity of the petition
9 ~~remonstrance~~, the sufficiency of the petition ~~remonstrance~~, and the
10 qualifications of the signer, shall be to prevent fraud, deception, and
11 misrepresentation in the petition ~~remonstrance~~ process. Upon completion
12 of the comparison of names and addresses with the voter registration
13 records, the election commissioner or county clerk shall prepare in
14 writing a certification under seal setting forth the name and address of
15 each signer found not to be a registered voter and the signature page
16 number and line number where the name is found, and if the reason for the
17 invalidity of the signature or address is other than the nonregistration
18 of the signer, the election commissioner or county clerk shall set forth
19 the reason for the invalidity of the signature. If the election
20 commissioner or county clerk determines that a signer has affixed his or
21 her signature more than once to the petition ~~remonstrance~~ and that only
22 one person is registered by that name, the election commissioner or
23 county clerk shall prepare in writing a certification under seal setting
24 forth the name of the duplicate signature and shall count only the
25 earliest dated signature. The election commissioner or county clerk shall
26 certify to the city council governing body the number of valid signatures
27 necessary to constitute a valid petition ~~remonstrance~~. The election
28 commissioner or county clerk shall deliver the petition ~~remonstrance~~ and
29 the certifications to the city council governing body within forty days
30 after the receipt of the petition ~~remonstrance~~ from the city council
31 ~~governing body~~. The delivery shall be by hand carrier, by use of law

1 enforcement officials, or by certified mail, return receipt requested.
2 Not more than twenty signatures on one signature page shall be counted.

3 The city council ~~governing body~~ shall, within thirty days after the
4 receipt of the petition remonstrance and certifications from the election
5 commissioner or county clerk, hold a public hearing to review the
6 petition remonstrance and certifications and receive testimony regarding
7 them. The city council ~~governing body~~ shall, following the hearing, vote
8 on whether or not the petition remonstrance is valid and shall uphold the
9 petition remonstrance if sufficient valid signatures have been received.

10 Sec. 16. Section 16-206, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-206 A city of the first class may collect a license tax from the
13 owners and harborers of dogs and other animals in an amount which shall
14 be determined by the city council ~~governing body of such city~~ and enforce
15 the license tax ~~same~~ by appropriate penalties. Any licensing provision
16 shall comply with subsection (2) of section 54-603 for service animals.
17 The city may cause the destruction of any dog or other animal, for which
18 the owner or harborer shall refuse or neglect to pay such license tax.
19 The city ~~It~~ may regulate, license, or prohibit the running at large of
20 dogs and other animals and guard against injuries or annoyances therefrom
21 and authorize the destruction of such dogs and other animals ~~the same~~
22 when running at large contrary to the ~~provisions of~~ any ordinance.

23 Sec. 17. Section 16-207, Revised Statutes Supplement, 2015, is
24 amended to read:

25 16-207 (1) A city of the first class may by ordinance provide for
26 the removal of all obstructions from the sidewalks, curbstones, gutters,
27 and crosswalks at the expense of the owners or occupants of the grounds
28 fronting thereon or at the expense of the person placing the obstruction
29 and may require and regulate the planting and protection of shade trees
30 in and along the streets and the trimming and removing of the trees.

31 (2) A city of the first class may by ordinance declare it to be a

1 nuisance for a property owner to permit, allow, or maintain any dead or
2 diseased trees within the right-of-way of streets within the corporate
3 limits of the city or within its extraterritorial ~~two-mile~~ zoning
4 jurisdiction. Notice to abate and remove such nuisance and notice of the
5 right to a hearing and the manner in which it may be requested shall be
6 given to each owner or owner's duly authorized agent and to the occupant,
7 if any, by personal service or certified mail. Within thirty days after
8 the receipt of such notice, if the owner or occupant of the lot or piece
9 of ground does not request a hearing or fails to comply with the order to
10 abate and remove the nuisance, the city may have such work done and may
11 levy and assess all or any portion of the costs and expenses of the work
12 upon the lot or piece of ground so benefited as a special assessment.

13 (3) The city may also regulate the building of bulkheads, cellars,
14 basements, ways, stairways, railways, windows, doorways, awnings,
15 ~~hitching posts and rails,~~ lampposts, awning posts, and all other
16 structures projecting upon or over any adjoining excavation through and
17 under the sidewalks in the city.

18 Sec. 18. Section 16-212, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-212 A city of the first class by ordinance may regulate the
21 crossing of railway tracks and provide precautions and prescribe rules
22 regulating the same, ~~÷~~ regulate the running of railway engines, cars, and
23 trucks within the limits of such ~~said~~ city, and prescribe rules relating
24 thereto, and govern the speed thereof, ~~÷~~ and make other and further
25 provisions, rules, and restrictions to prevent accidents at the crossings
26 and on the tracks of railways, and to prevent fires from engines. A city
27 of the first class may ~~It may~~ regulate and prescribe the manner of
28 running street cars, require the heating and cleaning of such cars ~~same,~~
29 and fix and determine the fare charged, ~~÷~~ require the lighting of any
30 railways within the city, ~~the cars of which are propelled by steam,~~ in
31 such manner as they shall prescribe, and fix and determine the number,

1 style, and size of the lampposts, burners, lamps, and all other fixtures
2 and apparatus necessary for such lighting, and the points of location for
3 such lampposts. If ~~;~~ ~~and in case~~ the company owning or operating such
4 railways shall fail to comply with such requirements, the city council
5 may cause such requirements to be complied with ~~the same to be done~~ by
6 giving notice of such action ~~the same~~ and may assess the expense of
7 complying with such requirements thereof against such company, and the
8 expense same shall constitute a lien on any real estate belonging to such
9 company, and lying within such ~~said~~ city, and may be collected in the
10 same manner as taxes for general purposes. The city may (1) require
11 railroad companies to keep flagmen at all railroad crossings of streets,
12 and provide protection against injury to persons and property in the use
13 of such railroads, (2) ~~;~~ compel any railroad to raise or lower their
14 railroad tracks to conform to the general grade, which may at any time be
15 established by such city, and where such tracks run lengthwise through or
16 over any street, alley or highway, to keep the tracks ~~same~~ level with the
17 street surface, and (3) ~~;~~ compel and require railroad companies to keep
18 open the streets, and to construct and keep in repair ditches, drains,
19 sewers, and culverts, along and under their railroad tracks, and to pave
20 their whole right-of-way on all paved streets, and keep the right-of-way
21 and tracks ~~same~~ in repair.

22 Sec. 19. Section 16-213, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-213 A city of the first class may borrow money on the credit of
25 the city and pledge the credit, revenue, and public property of the city
26 for the payment thereof, ~~when authorized in the manner herein provided by~~
27 law.

28 Sec. 20. Section 16-214, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-214 A city of the first class by ordinance may provide for
31 issuing bonds, for the purpose of funding any and all indebtedness of the

1 city, due or to become due. Floating indebtedness shall be funded only by
2 authority of a vote of the people, but the mayor and city council may by
3 a two-thirds vote issue bonds to pay off any bonded debt without a vote
4 of the people.

5 Sec. 21. Section 16-217, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-217 A city of the first class by ordinance may provide for the
8 removal of elective officers of the city for misconduct. The city may
9 create any office that it deems necessary for the good government and
10 interest of the city. The city may provide for filling vacancies which
11 occur in any elective office, except the mayor or member of the city
12 council, by appointment by the mayor with the consent of the city council
13 to hold his or her office for the unexpired term. Whenever the city
14 council fails to consent to any appointment made under this section by
15 the mayor by the close of the second regular city council meeting
16 following the announcement of the appointment, the vacancy shall be
17 filled by a special election to be held as prescribed by ordinance in the
18 ward in which such vacancy exists. A vacancy in the office of the mayor
19 or on the city council shall be filled as provided in section 32-568.

20 Sec. 22. Section 16-218, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-218 ~~Except as otherwise provided by law, a~~ A city of the first
23 class by ordinance may regulate and prescribe the powers, duties, and
24 compensation of the officers of the city ~~not herein provided for,~~ and
25 classify such ~~the several offices, and positions of trust or employment~~
26 ~~in the public service~~ on the basis of merit through ~~such agency as the~~
27 city council ~~local governing body~~ shall provide for that purpose, ~~upon~~
28 ~~approval by a majority of the electors of said city voting on such~~
29 ~~proposition.~~

30 Sec. 23. Section 16-219, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-219 A city of the first class by ordinance may require all
2 officers ~~or servants~~, elected or appointed, to give bond and security or
3 evidence of equivalent insurance for the faithful performance of their
4 duties. No officer shall become surety upon the official bond of another,
5 or upon any contractor's bond, license, or appeal bond given to the city,
6 or under any ordinance thereof, or from conviction in the county court
7 for violation of any ordinance of such city.

8 Sec. 24. Section 16-220, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-220 A city of the first class may require from any officer of the
11 city at any time a report in detail of the transactions in his or her
12 office or of any matters connected therewith.

13 Sec. 25. Section 16-221, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-221 A city of the first class may establish, alter, and change
16 the channel of watercourses, and wall and cover them over. No city shall
17 be liable in damages on account of the accumulations of surface waters
18 which fall upon its site, or any portion thereof, unless such
19 accumulations be caused by the act of a city officer while employed in
20 his or her official capacity and by authorization of the mayor and city
21 council first entered of record.

22 Sec. 26. Section 16-222, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-222 A city of the first class may provide for the organization
25 and support of a fire department; procure fire engines, hooks, ladders,
26 buckets, and other apparatus; organize fire engine, hook and ladder, and
27 bucket companies, and prescribe rules for duty and the government of the
28 fire department thereof, with such penalties as the city council may deem
29 proper, not exceeding one hundred dollars; make all necessary
30 appropriations for the fire department therefor; and establish
31 regulations for the prevention and extinguishment of fires. The city ~~it~~

1 may prescribe limits within which no building shall be constructed except
2 of brick, stone, or other incombustible material, with fireproof roof,
3 and impose a penalty for the violation of such ordinance. The city ~~It~~ may
4 cause the destruction or removal of any building constructed or repaired
5 in violation of such ordinance, and after such limits are established no
6 special permits shall be given for the erection or repairing of buildings
7 of combustible material. The city ~~It~~ may regulate the construction and
8 inspection of, and order the suppression of and cleaning of, fireplaces,
9 chimneys, stoves, stovepipes, ovens, boilers, kettles, forges, or any
10 apparatus used in any building, ~~manufactory or business, or enterprise~~
11 which may be dangerous in causing or promoting fires, and prescribe
12 limits within which dangerous or obnoxious and offensive businesses or
13 enterprises ~~business~~ may be conducted ~~carried on~~.

14 Sec. 27. Section 16-225, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-225 A city of the first class may regulate its police force ~~the~~
17 ~~police of the city~~, establish and support a night watch, impose fines,
18 forfeitures, confinement, and penalties for the breach of any ordinance,
19 and for recovery and collection of such fines, forfeitures, and penalties
20 ~~the same~~. In default of payment, it may provide for confinement in the
21 city or county jail prison or other place of confinement as may be
22 provided by ordinance ~~to hard labor in the city, upon the streets or~~
23 ~~elsewhere, for the benefit of the city~~.

24 Sec. 28. Section 16-226, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-226 A city of the first class by ordinance may regulate,
27 prohibit, and suppress unlicensed ~~tippling shops,~~ billiard tables, and
28 bowling alleys, may restrain houses of prostitution, opium joints, dens,
29 and other disorderly houses and practices, games, gambling houses,
30 ~~desecration of the Sabbath day, commonly called Sunday,~~ and may regulate
31 ~~prohibit~~ all public amusements, shows, or exhibitions ~~and may prohibit~~ .

1 ~~or ordinary business pursuits upon such day,~~ all lotteries, all
2 fraudulent devices and practices for the purpose of obtaining money or
3 property, all shooting galleries except as provided in the Nebraska
4 Shooting Range Protection Act, and all kinds of public indecencies,
5 except that nothing in this section shall be construed to apply to bingo,
6 lotteries, lotteries by the sale of pickle cards, or raffles conducted in
7 accordance with the Nebraska Bingo Act, the Nebraska Lottery and Raffle
8 Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
9 Raffle Act, or the State Lottery Act.

10 Sec. 29. Section 16-227, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-227 A city of the first class may (a) prevent and restrain riots,
13 routs, noises, disturbances, breach of the peace, or disorderly
14 assemblies in any street, house, or place in the city, (b) ÷ regulate,
15 punish, and prevent the discharge of firearms, rockets, powder,
16 fireworks, or any other dangerous combustible material in the streets,
17 lots, grounds, and alleys or about or in the vicinity of any buildings,
18 (c) ÷ regulate, prevent, and punish the carrying of concealed weapons,
19 except the carrying of a concealed handgun in compliance with the
20 Concealed Handgun Permit Act, (d) ÷ arrest, regulate, punish, or fine,~~or~~
21 ~~set at work on the streets or elsewhere all vagabonds,~~ (e) and persons
22 ~~found in the city without visible means of support or some legitimate~~
23 ~~business;~~ regulate and prevent the transportation or storage of gunpowder
24 or other explosive or combustible articles, tar, pitch, resin, coal oil,
25 benzine, turpentine, hemp, cotton, nitroglycerine, dynamite, petroleum or
26 any other productions thereof, and other materials of like nature, the
27 use of lights in stables, shops, or other places, and the building of
28 bonfires, ÷ and (f) regulate and prohibit the piling of building material
29 or any excavation or obstruction in the street.

30 Sec. 30. Section 16-229, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-229 A city of the first class by ordinance may provide for the
2 punishment of vagrants, tramps or ~~common~~ street beggars, ~~common~~
3 prostitutes, ~~habitual~~ disturbers of the peace, pickpockets, gamblers,
4 burglars, thieves, and ball game players, persons who practice any game,
5 trick or device with intent to swindle, ~~persons who abuse their families,~~
6 ~~and suspicious persons who can give no reasonable account of themselves.~~

7 Sec. 31. Section 16-230, Revised Statutes Supplement, 2015, is
8 amended to read:

9 16-230 (1) A city of the first class by ordinance may require lots
10 or pieces of ground within the city or within the city's extraterritorial
11 ~~two-mile~~ zoning jurisdiction to be drained or filled so as to prevent
12 stagnant water or any other nuisance accumulating thereon. The city may
13 require the owner or occupant of all lots and pieces of ground within the
14 city to keep the lots and pieces of ground and the adjoining streets and
15 alleys free of excessive growth of weeds, grasses, or worthless
16 vegetation, and ~~it~~ may prohibit and control the throwing, depositing, or
17 accumulation of litter on any lot or piece of ground within the city or
18 within the city's extraterritorial ~~two-mile~~ zoning jurisdiction.

19 (2) Any city of the first class may by ordinance declare it to be a
20 nuisance to permit or maintain excessive growth of weeds, grasses, or
21 worthless vegetation or to litter or cause litter to be deposited or
22 remain thereon except in proper receptacles. The city shall establish by
23 ordinance the height at which weeds, grasses, or worthless vegetation are
24 a nuisance.

25 (3) Any owner or occupant of a lot or piece of ground shall, upon
26 conviction of violating any ordinance authorized under this section, be
27 guilty of a Class V misdemeanor.

28 (4) Notice to abate and remove such nuisance shall be given to each
29 owner or owner's duly authorized agent and to the occupant, if any. The
30 city shall establish the method of notice by ordinance. If notice is
31 given by first-class mail, such mail shall be conspicuously marked as to

1 its importance. Within five days after receipt of such notice, the owner
2 or occupant of the lot or piece of ground may request a hearing with the
3 city to appeal the decision to abate or remove a nuisance by filing a
4 written appeal with the office of the city clerk. A hearing on the appeal
5 shall be held within fourteen days after the filing of the appeal and
6 shall be conducted by an elected or appointed officer as designated in
7 the ordinance. The hearing officer shall render a decision on the appeal
8 within five business days after the conclusion of the hearing. If the
9 appeal fails, the city may have such work done. Within five days after
10 receipt of such notice, if the owner or occupant of the lot or piece of
11 ground does not request a hearing with the city or fails to comply with
12 the order to abate and remove the nuisance, the city may have such work
13 done. The costs and expenses of any such work shall be paid by the owner.
14 If unpaid for two months after such work is done, the city may either (a)
15 levy and assess the costs and expenses of the work upon the lot or piece
16 of ground so benefited as a special assessment or (b) recover in a civil
17 action the costs and expenses of the work upon the lot or piece of ground
18 and the adjoining streets and alleys.

19 (5) For purposes of this section:

20 (a) Litter includes, but is not limited to: (i) Trash, rubbish,
21 refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement,
22 brick, or stone building rubble; (iii) grass, leaves, and worthless
23 vegetation; (iv) offal and dead animals; and (v) any machine or machines,
24 vehicle or vehicles, or parts of a machine or vehicle which have lost
25 their identity, character, utility, or serviceability as such through
26 deterioration, dismantling, or the ravages of time, are inoperative or
27 unable to perform their intended functions, or are cast off, discarded,
28 or thrown away or left as waste, wreckage, or junk;

29 (b) Weeds includes, but is not limited to, bindweed (*Convolvulus*
30 *arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia*
31 *esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium*

1 draba), Russian knapweed (Centaurea picris), Johnson grass (Sorghum
2 halepense), nodding or musk thistle, quack grass (Agropyron repens),
3 perennial sow thistle (Sonchus arvensis), horse nettle (Solanum
4 carolinense), bull thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.)
5 (tourn), hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae); and

6 (c) Weeds, grasses, and worthless vegetation does not include
7 vegetation applied or grown on a lot or piece of ground outside the
8 corporate limits of the city but inside the city's extraterritorial ~~two-~~
9 ~~mile~~ zoning jurisdiction expressly for the purpose of weed or erosion
10 control.

11 Sec. 32. Section 16-231, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-231 A city of the first class may prevent any person from
14 bringing, depositing, having, or leaving upon or near his or her premises
15 or elsewhere in the city or within the extraterritorial zoning
16 jurisdiction ~~two miles of the corporate limits~~ of the city any carcass or
17 putrid beef, pork, fish, hides, or skins of any kind or any unwholesome
18 substance and may compel the removal of the same.

19 Sec. 33. Section 16-232, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-232 A city of the first class by ordinance may prevent the
22 digging of holes, pits, or excavations within the city, except for the
23 purpose of building where such excavations are made, prevent the leaving
24 of any holes, pits, or excavations within such ~~said~~ city in an exposed
25 condition, and require the filling of same.

26 Sec. 34. Section 16-233, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-233 A city of the first class may regulate, license or suppress
29 halls, opera houses, places of amusement, entertainment or instruction,
30 or other buildings except churches and schools used for the assembly of
31 citizens, and cause them to be provided with sufficient and ample means

1 of exit and entrance, and to be supplied with necessary and appropriate
2 appliances for the extinguishment of fire and for escape from such places
3 in case of fire, and prevent overcrowding; and regulate the placing and
4 use of seats, chairs, benches, scenery, curtains, blinds, screens, or
5 other appliances therein. A city of the first class ~~It~~ may provide that
6 for any violation of any such regulation a penalty of two hundred dollars
7 shall be imposed, and upon conviction of any such licensees of any
8 violation of any ordinance regulating such places, the license of any
9 such place shall be revoked by the mayor and city council. Whenever the
10 mayor and city council shall by resolution declare any such place to be
11 unsafe, the license thereof shall be deemed ~~thereby~~ revoked by adoption
12 of such resolution. The city ~~;~~ ~~and the~~ council may provide that in any
13 case where they have so revoked a license, any owner, proprietor,
14 manager, lessee or person opening, using or permitting such place to be
15 opened or used for any purpose involving the assemblage of more than
16 twelve persons, shall upon conviction thereof be deemed guilty of a
17 misdemeanor, and fined in any sum not exceeding two hundred dollars.

18 Sec. 35. Section 16-236, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-236 A city of the first class may provide for the erection of all
21 necessary pens, pounds, and buildings for the use of the city, within ~~or~~
22 without the city limits or within its extraterritorial zoning
23 jurisdiction, appoint and compensate keepers thereof, and establish and
24 enforce rules governing the same.

25 Sec. 36. Section 16-238, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-238 A city of the first class may make regulations to prevent the
28 introduction and spread of contagious, infectious, or malignant diseases
29 into the city. In cities with a commission form of government as provided
30 in Chapter 19, article 4, and cities with a city manager plan of
31 government as provided in Chapter 19, article 6, a board of health shall

1 be created consisting of five members: The mayor, who shall be
2 chairperson, a physician, who shall be medical adviser, the chief of
3 police, who shall be secretary and quarantine officer, and two other
4 members. In all other cities, a board of health shall be created
5 consisting of five members: The mayor, who shall be chairperson, a
6 physician, who shall be medical adviser, the chief of police, who shall
7 be secretary and quarantine officer, the president of the city council,
8 and one other member. A majority of such board shall constitute a quorum
9 and shall enact rules and regulations, having the force and effect of
10 law, to safeguard the health of the people of such city and prevent
11 nuisances and unsanitary conditions, enforce the same, and provide fines
12 and punishments for the violation of such rules and regulations thereof.

13 Sec. 37. Section 16-239, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-239 A city of the first class may erect, establish, and regulate
16 hospitals, ~~workhouses, poorhouses,~~ multiunit housing, houses of
17 correction, jails, station houses, and other necessary buildings and
18 provide for the support and government of such buildings and facilities
19 ~~the same~~.

20 Sec. 38. Section 16-240, Revised Statutes Supplement, 2015, is
21 amended to read:

22 16-240 A city of the first class by ordinance may make regulations
23 to secure the general health of the city, prescribe rules for the
24 prevention, abatement, and removal of nuisances, make and prescribe
25 regulations for the construction, location, and keeping in order of all
26 slaughterhouses, stockyards, warehouses, sheds, stables, barns, dairies,
27 or other places where offensive matter is kept, or is likely to
28 accumulate, within the city or within its extraterritorial ~~two-mile~~
29 zoning jurisdiction, and to limit or fix the maximum number of swine or
30 neat cattle that may be kept in sheds, stables, barns, feed lots, or
31 other enclosures.

1 Sec. 39. Section 16-241, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-241 A city of the first class may purchase, hold, and pay for, as
4 provided in sections 16-241 to 16-245 in the manner herein provided,
5 lands for the purpose of the burial of the dead, and all necessary
6 grounds for hospital grounds and waterworks, and have and exercise police
7 jurisdiction over such lands, grounds, and waterworks the same, and over
8 any cemetery lying near such said city and used by the inhabitants
9 thereof.

10 Sec. 40. Section 16-243, Revised Statutes Supplement, 2015, is
11 amended to read:

12 16-243 A city of the first class may convey cemetery lots owned by
13 such city, by certificates signed by the mayor and countersigned by the
14 city clerk under the seal of the city specifying that the person to whom
15 the certificate same is issued is the owner of the lot or lots described
16 therein by number as laid down on such plat or map, for the purpose of
17 interment. Such certificate shall vest in the proprietor, his or her
18 heirs and assigns, a right in fee simple of such lot for the sole purpose
19 of interment, under the regulations of the city council.

20 Sec. 41. Section 16-246, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-246 A city of the first class may make all such ordinances,
23 bylaws, rules, regulations, and resolutions not inconsistent with the
24 general laws of the state as may be necessary or expedient, in addition
25 to the special powers otherwise granted by law, for maintaining the
26 peace, good government, and welfare of the city and its trade, commerce,
27 and manufactures, for preserving order and securing persons or property
28 from violence, danger, and destruction, for protecting public and private
29 property, and for promoting the public health, safety, convenience,
30 comfort, and morals and the general interests and welfare of the
31 inhabitants of the city. It may (a) impose fines, forfeitures, and

1 penalties, ~~and imprisonment at hard labor~~ for the violation of any
 2 ordinance, (b) ÷ provide for the recovery, collection, and enforcement of
 3 such fines, forfeitures, or penalties, and (c) in default of payment,
 4 provide for confinement in the city or county prison, ~~workhouse,~~ or other
 5 place of confinement ~~with or without hard labor~~ as may be provided by
 6 ordinance. The jurisdiction of the city to enforce such ordinances,
 7 bylaws, rules, regulations, and resolutions shall extend over the city
 8 and over all places within the extraterritorial zoning jurisdiction two
 9 ~~miles of the corporate limits~~ of the city.

10 Sec. 42. Section 16-247, Reissue Revised Statutes of Nebraska, is
 11 amended to read:

12 16-247 A city of the first class may revise the ordinances of the
 13 city from time to time and publish the same in pamphlet or book form.
 14 Such revision shall be by one ordinance, embracing all ordinances
 15 preserved as changed or added to and perfected by revision, and shall
 16 embrace all the ordinances of every nature preserved, and be a repeal of
 17 all ordinances in conflict with such revision; but all ordinances then in
 18 force shall continue in force after such revision for the purpose of all
 19 rights acquired, fines, penalties, forfeitures, and liabilities incurred,
 20 and actions therefor. The only title necessary for such revision and
 21 repeal shall be An ordinance to revise all the ordinances of the city
 22 of, and sections and chapters may be used instead
 23 of numbers, and original titles need not be preserved, nor signature of
 24 the mayor required.

25 Sec. 43. Section 16-249, Reissue Revised Statutes of Nebraska, is
 26 amended to read:

27 16-249 A city of the first class may provide for the grading,
 28 repairing, and sprinkling of any street, avenue, or alley, and the
 29 construction of bridges, culverts, and sewers, and shall defray the
 30 repairs of the street, avenue, or alley or bridge, culvert, or sewer ~~same~~
 31 out of the proper fund of such city; but no street shall be graded except

1 the ~~street same~~ be ordered to be done by the affirmative vote of two-
2 thirds of the city council. On written petition of not less than one-half
3 the owners of street front of the land fronting on any street or any
4 specified part thereof, the mayor and city council may order such street
5 or any specified part thereof to be sprinkled with water at such time or
6 times as the city council may deem proper. Such sprinkling shall be done
7 by contract awarded to the lowest responsible bidder in each case, and
8 for the entire city or specified district thereof. To pay the expenses of
9 such sprinkling the city council may make special assessments upon the
10 lands abutting upon such street or specified part thereof either on the
11 valuation thereof, as listed for taxation, or by foot front. Such
12 assessment shall be collected by special taxation.

13 Sec. 44. Section 16-250, Revised Statutes Supplement, 2015, is
14 amended to read:

15 16-250 A city of the first class may construct or repair sidewalks,
16 sewers, and drains on any highway in the city, construct or repair iron
17 railings or gratings for areaways, cellars, or entrances to basements of
18 buildings, and levy a special assessment on lots or parcels of land
19 fronting on such sidewalk, waterway, highway, or alley to pay the expense
20 of such improvements, to be assessed as a special assessment. Unless a
21 majority of the owners of the property subject to assessment for such
22 improvements petition the city council to make the improvements, such
23 improvements shall not be made until three-fourths of all the members of
24 the city council, by vote, assent to the making of the improvements,
25 which vote, by yeas and nays, shall be entered of record.

26 Sec. 45. Section 16-251, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-251 The mayor and city council of any city of the first class may
29 (a) establish and maintain public libraries, reading rooms, art
30 galleries, and museums and provide the necessary grounds or buildings
31 therefor, (b) ÷ purchase the papers, books, maps, manuscripts, and works

1 of art and objects of natural or scientific curiosity and instruction
2 therefor, ÷ and (c) receive donations and bequests of money or property
3 for the public libraries, reading rooms, art galleries, and museums in
4 trust or otherwise. The mayor and city council may also pass necessary
5 bylaws and regulations for the protection and government of the public
6 libraries, reading rooms, art galleries, and museums. The ownership of
7 the real and personal property of a public library shall be in the city.
8 The mayor and city council shall approve any personnel administrative or
9 compensation policy or procedure applying to a director or employee of a
10 public library, reading room, art gallery, or museum before such policy
11 or procedure is implemented.

12 Sec. 46. Section 16-253, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-253 When the power is conferred upon the mayor and city council
15 of any city of the first class to do and perform any act or thing, and
16 the manner of exercising such power is not specially pointed out, the
17 mayor and city council may provide by ordinance the details necessary for
18 the full exercise of such power.

19 Sec. 47. Section 16-302.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-302.01 In any city of the first class except any city having
22 adopted the commissioner or city manager plan of government, the mayor
23 and city council members shall be registered voters of the city and the
24 city council members shall be residents of the ward from which elected if
25 elected by ward and residents of the city if elected at large. The city
26 council may also, by a two-thirds vote of its members, provide by
27 ordinance for the election of the treasurer and clerk. All nominations
28 and elections of such officers shall be held as provided in the Election
29 Act.

30 The terms of office of all such members shall commence on the first
31 regular meeting of the city council in December following their election.

1 Sec. 48. Section 16-304, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-304 Each city council member, before entering upon the duties of
4 his or her office, shall be required to give bond or evidence of
5 equivalent insurance to the city. The bond shall be with two or more good
6 and sufficient sureties or some responsible surety company. If by two
7 sureties, they shall each justify that he or she is worth at least two
8 thousand dollars over and above all debts and exemptions. Such bonds or
9 evidence of equivalent insurance shall be in the sum of one thousand
10 dollars and shall be conditioned for the faithful discharge of the duties
11 of the council member giving such bond or insurance, and shall be further
12 conditioned that if the city council member shall vote for any
13 expenditure or appropriation of money or creation of any liability in
14 excess of the amount allowed by law, such city council member, and the
15 sureties signing such bond, shall be liable thereon. The bond shall be
16 filed with the city clerk and approved by the mayor, and upon the
17 approval, the city may pay the premium for such bond. Any liability
18 sought to be incurred, or debt created in excess of the amount limited or
19 authorized by law, shall be taken and held by every court of the state as
20 the joint and several liability and obligation of the city council member
21 voting for and the mayor approving such liability, obligation, or debt,
22 and not the debt, liability, or obligation of the city. Voting for or
23 approving of such liability, obligation, or debt shall be conclusive
24 evidence of malfeasance in office for which such city council member or
25 mayor may be removed from office.

26 Sec. 49. Section 16-305, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-305 All officers and employees of the city shall receive such
29 compensation as the mayor and city council may fix at the time of their
30 appointment or employment, subject to the limitations set forth in this
31 section. The city council ~~local governing body of the city~~ may at its

1 discretion by ordinance combine and merge any elective or appointive
2 office or employment or any combination of duties of any such offices or
3 employments, except mayor and city council member, with any other
4 elective or appointive office or employment so that one or more of such
5 offices or employments or any combination of duties of any such offices
6 or employments may be held by the same officer or employee at the same
7 time. The city manager in a city under the city manager plan of
8 government as provided in Chapter 19, article 6, may in his or her
9 discretion combine and merge any elective or appointive office or
10 employment or any combination of duties of any such offices or
11 employments, except mayor and city council member, with any other
12 elective or appointive office or employment so that one or more of such
13 offices or employments or any combination of duties of any such offices
14 or employments may be held by the same officer or employee at the same
15 time. The offices or employments so merged and combined shall always be
16 construed to be separate, and the effect of the combination or merger
17 shall be limited to a consolidation of official duties only. The salary
18 or compensation of the officer or employee holding the merged and
19 combined offices or employments or offices and employments shall not be
20 in excess of the maximum amount provided by law for the salary or
21 compensation of the office, offices, employment, or employments so merged
22 and combined.

23 Sec. 50. Section 16-306, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-306 In any city which becomes a city of the first class, any city
26 council member whose term extends through another year or years by reason
27 of his or her prior election under the provisions governing cities of the
28 second class shall hold his or her office as a city council member from
29 the ward in which he or she is a resident as if he or she were elected
30 for the same term under the provisions of the Election Act governing
31 cities of the first class.

1 Sec. 51. Section 16-308, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-308 Each city of the first class shall have such departments and
4 appointed officers as shall be established by ordinance passed by the
5 city council, which shall include a city clerk, treasurer, engineer, and
6 attorney, and such officers as may otherwise be required by law. Except
7 as provided in Chapter 19, article 6, the mayor may, with the approval of
8 the city council, appoint the necessary officers, as well as an
9 administrator, who shall perform such duties as prescribed by ordinance.
10 Except as provided in Chapter 19, article 6, the appointed officers may
11 be removed at any time by the mayor with approval of a majority of the
12 city council. The office of administrator may not be held by the mayor.
13 The appointed administrator may concurrently hold any other appointive
14 office provided for in this section and section 16-325.

15 Sec. 52. Section 16-309, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-309 All officers appointed by the mayor and confirmed by the city
18 council shall hold the office to which they may be appointed until the
19 end of the mayor's term of office and until their successors are
20 appointed and qualified, unless sooner removed or the ordinance creating
21 the office is repealed, or except as otherwise specifically provided by
22 law.

23 Sec. 53. Section 16-310, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-310 The officers and employees in cities of the first class shall
26 receive such compensation as the mayor and city council shall fix by
27 ordinance.

28 Sec. 54. Section 16-312, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-312 The mayor shall preside at all the meetings of the city
31 council and shall have the right to vote when his or her vote will

1 provide the additional vote required to create a number of votes equal to
2 a majority of the number of members elected to the city council. He or
3 she shall have the superintending control of all the officers and affairs
4 of the city and shall take care that the ordinances of the city and the
5 provisions of law relating to cities of the first class are complied
6 with. He or she may administer oaths and shall sign the commissions and
7 appointments of all the officers appointed in the city.

8 Sec. 55. Section 16-313, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 16-313 The mayor shall have the power to approve or veto any
11 ordinance passed by the city council and to approve or veto any order,
12 bylaw, resolution, award of or vote to enter into any contract, or the
13 allowance of any claim. If the mayor approves the ordinance, order,
14 bylaw, resolution, contract, or claim, he or she shall sign it, and it
15 shall become effective. If the mayor vetoes the ordinance, order, bylaw,
16 resolution, contract, or any item or items of appropriations or claims,
17 he or she shall return it to the city council stating that the measure is
18 vetoed. The mayor may issue the veto at the meeting at which the measure
19 passed or within seven calendar days after the meeting. If the mayor
20 issues the veto after the meeting, the mayor shall notify the city clerk
21 of the veto in writing. The city clerk shall notify the city council in
22 writing of the mayor's veto. Any ordinance, order, bylaw, resolution,
23 award of or vote to enter into any contract, or the allowance of any
24 claim vetoed by the mayor, may be passed over his or her veto by a vote
25 of two-thirds of all the members elected to the city council,
26 notwithstanding his or her veto. If the mayor neglects or refuses to sign
27 any ordinance, order, bylaw, resolution, award of or vote to enter into
28 any contract, or the allowance of any claim, but fails to veto the
29 measure within the time required by this section, the measure shall
30 become effective without his or her signature. The mayor may veto any
31 item or items of any appropriation bill or any claims bill, and approve

1 the remainder thereof, and the item or items so vetoed may be passed by
2 the city council over the veto as in other cases.

3 Sec. 56. Section 16-314, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-314 The mayor shall, from time to time, communicate to the city
6 council such information and recommend such measures as in his or her
7 opinion may tend to the improvement of the finances of the city, the
8 police, health, comfort, and general prosperity of the city, and may have
9 such jurisdiction as may be invested in him or her by ordinance over all
10 places within the extraterritorial zoning jurisdiction ~~two miles of the~~
11 ~~corporate limits~~ of the city, for the enforcement of health or quarantine
12 ordinances and the regulation thereof.

13 Sec. 57. Section 16-317, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 16-317 The city clerk shall have the custody of all laws and
16 ordinances and shall keep a correct journal of the proceedings of the
17 city council. After the period of time specified by the State Records
18 Administrator pursuant to the Records Management Act, the city clerk may
19 transfer such journal of the proceedings of the city council to the State
20 Archives of the Nebraska State Historical Society for permanent
21 preservation. He or she shall also perform such other duties as may be
22 required by the ordinances of the city.

23 Sec. 58. Section 16-318, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 16-318 (1) The city treasurer shall be required to give bond or
26 evidence of equivalent insurance of not less than twenty-five thousand
27 dollars, or he or she may be required to give bond in double the sum of
28 money estimated by the city council at any time to be in his or her hands
29 belonging to the city. The city treasurer shall be the custodian of all
30 money belonging to the city corporation. The city council shall pay the
31 actual premium of the bond or insurance coverage of such treasurer.

1 (2) The city treasurer shall keep a separate account of each fund or
2 appropriation and the debts and credits belonging thereto. He or she
3 shall give every person paying money into the treasury a receipt
4 therefor, specifying date of payment and on what account paid. He or she
5 shall also file copies of such receipts, except tax receipts, with his or
6 her monthly reports, and he or she shall at the end of every month, and
7 as often as may be requested, render an account to the city council,
8 under oath, showing the state of the treasury at the date of such
9 account, the amount of money remaining in each fund and the amount paid
10 therefrom, and the balance of money in the treasury. The city treasurer
11 shall also accompany such account with a statement of all receipts and
12 disbursements, together with all warrants redeemed and paid by him or
13 her, which warrants, with all vouchers held by him or her, shall be filed
14 with his or her account in the city clerk's office. He or she shall
15 produce and show all funds shown by such report to be on hand, or satisfy
16 the city council or its committee that he or she has such funds in his or
17 her custody or under his or her control. If the city treasurer fails to
18 render his or her account within twenty days after the end of the month,
19 or by a later date established by the city council, the mayor with the
20 consent of the city council may consider this failure as cause to remove
21 the city treasurer from office.

22 (3) The city treasurer shall keep a record of all outstanding bonds
23 against the city, showing the number and amount of each bond, for and to
24 whom the bonds were issued, and the date upon which any bond is
25 purchased, paid, or canceled. He or she shall accompany the annual
26 statement submitted pursuant to section 19-1101 with a description of the
27 bonds issued and sold in that year and the terms of sale, with every item
28 of expense thereof.

29 (4) The city treasurer may employ and appoint a delinquent tax
30 collector, who shall be allowed a percentage upon his or her collections
31 to be fixed by the city council, not to exceed the fees allowed by law to

1 the county treasurer for like services. Upon taxes collected by such
2 delinquent tax collector, the city treasurer shall receive no fees.

3 (5) The city treasurer shall prepare all special assessment lists
4 and shall collect all special assessments.

5 Sec. 59. Section 16-319, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-319 The city attorney shall be the legal advisor of the city
8 council and other city officers. The city attorney shall commence,
9 prosecute, and defend all suits and actions necessary to be commenced,
10 prosecuted, or defended on behalf of the city, or that may be ordered by
11 the city council. He or she shall attend meetings of the city council and
12 give them his or her opinion upon any matters submitted to him or her,
13 either orally or in writing as may be required. The mayor and city
14 council shall have the right to pay the city attorney additional
15 compensation for legal services performed by him or her for the city or
16 to employ additional legal assistance and to pay for such legal
17 assistance out of the funds of the city. Whenever the mayor and city
18 council have by ordinance so authorized, the board of public works shall
19 have the right to pay the city attorney additional compensation for legal
20 services performed by him or her for it or to employ additional legal
21 assistance other than the city attorney and pay such legal assistance out
22 of funds disbursed under the orders of the board of public works.

23 Sec. 60. Section 16-320, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-320 The city engineer shall make a record of the minutes of his
26 or her surveys and of all work done for the city, including sewers,
27 extension of water systems ~~system~~ and heating systems ~~system~~, electric
28 light and sewerage systems, ~~system~~ and power plants ~~plant~~, and accurately
29 make such plats, sections, profiles, and maps as may be necessary in the
30 prosecution of any public work, which shall be public records and belong
31 to the city and be turned over to his or her successor.

1 Sec. 61. Section 16-321, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-321 (1) The city engineer shall, when requested by the mayor or
4 city council, make estimates of the cost of labor and material which may
5 be done or furnished by contract with the city and make all surveys,
6 estimates, and calculations necessary to be made for the establishment of
7 grades, the building of culverts, sewers, electric light systems ~~system~~,
8 waterworks, power plants ~~plant~~, public heating systems ~~system~~, bridges,
9 curbing, and gutters, the improvement of streets, and the erection and
10 repair of buildings and shall perform such other duties as the city
11 council may require. When the city has appointed a board of public works,
12 and the mayor and city council have by ordinance so authorized, such
13 board may utilize its own engineering staff and may hire consulting
14 engineers for the design and installation of extensions and improvements
15 of the works under the jurisdiction of the board of public works.
16 Whenever the mayor and city council have authorized the same, the board
17 of public works may purchase material and employ labor for the
18 enlargement or improvement of the systems and works under the
19 jurisdiction of the board.

20 (2) Except as provided in section 18-412.01, no contract for
21 enlargement or general improvements, such as water extensions, sewers,
22 public heating systems ~~system~~, bridges, work on streets, or any other
23 work or improvement when the cost of such improvement is assessed to the
24 property, costing over thirty thousand dollars shall be made unless it is
25 first approved by the city council.

26 (3) Except as provided in section 18-412.01, before the city council
27 makes any contract in excess of thirty thousand dollars for enlargement
28 or general improvements, such as water extensions, sewers, public heating
29 systems ~~system~~, bridges, work on streets, or any other work or
30 improvement when the cost of such enlargement or improvement is assessed
31 to the property, an estimate of the cost shall be made by the city

1 engineer and submitted to the city council. In advertising for bids as
2 provided in subsections (4) and (6) of this section, the city council may
3 publish the amount of the estimate.

4 (4) Advertisements for bids shall be required for any contract
5 costing over thirty thousand dollars entered into (a) for enlargement or
6 general improvements, such as water extensions, sewers, public heating
7 systems system, bridges, work on streets, or any other work or
8 improvement when the cost of such enlargement or improvement is assessed
9 to the property, or (b) for the purchase of equipment used in the
10 construction of such enlargement or general improvements.

11 (5) A municipal electric utility may enter into a contract for the
12 enlargement or improvement of the electric system or for the purchase of
13 equipment used for such enlargement or improvement without advertising
14 for bids if the price is: (a) Thirty thousand dollars or less; (b) sixty
15 thousand dollars or less and the municipal electric utility has gross
16 annual revenue from retail sales in excess of one million dollars; (c)
17 ninety thousand dollars or less and the municipal electric utility has
18 gross annual revenue from retail sales in excess of five million dollars;
19 or (d) one hundred twenty thousand dollars or less and the municipal
20 electric utility has gross annual revenue from retail sales in excess of
21 ten million dollars.

22 (6) The advertisement provided for in subsections (3) and (4) of
23 this section shall be published at least seven days prior to the bid
24 closing in a legal newspaper ~~published~~ in or of general circulation in
25 the city. In case of a public emergency resulting from infectious or
26 contagious diseases, destructive windstorms, floods, snow, war, or an
27 exigency or pressing necessity or unforeseen need calling for immediate
28 action or remedy to prevent a serious loss of, or serious injury or
29 damage to, life, health, or property, estimates of costs and advertising
30 for bids may be waived in the emergency ordinance authorized by section
31 16-405 when adopted by a three-fourths vote of the city council and

1 entered of record.

2 (7) If, after advertising for bids as provided in subsections (3),
3 (4), and (6) of this section, the city council receives fewer than two
4 bids on a contract or if the bids received by the city council contain a
5 price which exceeds the estimated cost, the mayor and the city council
6 may negotiate a contract in an attempt to complete the proposed
7 enlargement or general improvements at a cost commensurate with the
8 estimate given.

9 (8) If the materials are of such a nature that, in the opinion of
10 the manufacturer and with the concurrence of the city council or board of
11 public works, no cost can be estimated until the materials have been
12 manufactured or assembled to the specific qualifications of the city
13 ~~purchasing municipality~~, the city council or board of public works may
14 authorize the manufacture and assemblage of such materials and may
15 thereafter approve the estimated cost expenditure when it is provided by
16 the manufacturer.

17 Sec. 62. Section 16-322, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-322 The mayor and city council may, whenever they deem it
20 expedient, employ a special engineer to make or assist in making any
21 particular estimate or survey; and any estimate or survey made by such
22 special engineer shall have the same validity and serve in all respects
23 as though the same had been made by the city engineer.

24 Sec. 63. Section 16-323, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-323 The chief of police shall have the immediate superintendence
27 of the police. He or she and the police officers shall have the power and
28 the duty to arrest all offenders against the laws of the state or of the
29 city, by day or by night, in the same manner as a county sheriff and to
30 keep such offenders in the city prison or other place to prevent their
31 escape until a trial or examination may be had before the proper officer.

1 The chief of police and police officers shall have the same power as the
2 county sheriff in relation to all criminal matters arising out of a
3 violation of a city ordinance and all process issued by the county court
4 in connection with a violation of a city ordinance.

5 Sec. 64. Section 16-324, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-324 The street commissioner shall be subject to the orders of the
8 mayor and city council by resolution, have general charge, direction and
9 control of all work in the streets, sidewalks, culverts, and bridges of
10 the city, except matters in charge of the board of public works, and
11 shall perform such other duties as the city council may require.

12 Sec. 65. Section 16-325, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-325 (1) There may be in each city of the first class a board of
15 public works which shall consist of three members, each having a three-
16 year term of office, or five members, each having a five-year term of
17 office, the number to be set by ordinance, which members shall be
18 residents of such city and be appointed by the mayor ~~by and~~ with the
19 assent of the city council. When such board is first established, one
20 member shall be appointed for a term of one year, one for two years, and
21 one for three years and, in the case of a five-member board, an
22 additional member shall be so appointed for four years and another for
23 five years. Thereafter, as their terms expire, all members shall be
24 appointed for a full term of three or five years as the case may be. The
25 mayor, ~~by and~~ with the assent of the city council, shall designate one of
26 the members of such board to be the chairperson thereof.

27 (2) Each of the members of the board of public works shall, before
28 entering upon the discharge of his or her duties, take an oath to
29 discharge faithfully the duties of the office.

30 (3) It shall be the duty of the board of public works to (a) make
31 contracts on behalf of the city for the performance of all such work and

1 erection of all such improvements in the manner provided in section
2 16-321, (b) superintend the performance of all such work and the erection
3 of all such improvements, (c) approve the estimates of the city engineer,
4 which may be made from time to time, of the value of the work as the same
5 may progress, (d) accept any work done or improvements made when the same
6 shall be fully completed according to contract, subject to the approval
7 of the mayor and city council, and (e) perform such other duties as may
8 be conferred upon such board by ordinance.

9 (4) Any member of the board of public works may at any time be
10 removed from office by the mayor and a majority of the city council, and
11 the proceedings in regard thereto shall be entered in the journal of the
12 city council.

13 Sec. 66. Section 16-326, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-326 The salary emoluments of any elective officer shall not be
16 increased or diminished during the term for which he or she was elected,
17 except that when there are officers elected to the city council, or to a
18 board or commission having more than one member and the terms of one or
19 more members commence and end at different times, the compensation of all
20 members of such city council, board, or commission may be increased or
21 diminished at the beginning of the full term of any member thereof. No
22 person who shall have resigned or vacated any office shall be eligible to
23 the same during the time for which he or she was elected when, during the
24 same time, the salary has emoluments have been increased.

25 Sec. 67. Section 16-327, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-327 The mayor or city council shall have power, when he, she, or
28 they deem it necessary, to require any officer of the city to exhibit his
29 or her accounts or other papers and make reports to the city council, in
30 writing, touching any subject or matter they may require pertaining to
31 the office.

1 Sec. 68. Section 16-401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-401 Regular meetings of the city council shall be held at such
4 times as may be fixed by ordinance and special meetings whenever called
5 by the mayor or any four city council members. A majority of all the
6 members elected to the city council shall constitute a quorum for the
7 transaction of any business, except as otherwise required by law, but a
8 less number may adjourn, from time to time, and compel the attendance of
9 absent members. An affirmative vote of not less than one-half of the
10 elected members shall be required for the transaction of any business.

11 Sec. 69. Section 16-402, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-402 The city council shall elect one of the city council members
14 as president of the city council and he or she shall preside at all
15 meetings of the city council in the absence of the mayor. In the absence
16 of the president, the city council members shall elect one of their own
17 body to occupy the place temporarily, who shall be styled acting
18 president of the city council. The president and acting president, when
19 occupying the place of mayor, shall have the same privileges as other
20 members of the city council, and all acts of the president or acting
21 president while so acting shall be as binding upon the city council and
22 upon the city as if done by the mayor.

23 Sec. 70. Section 16-403, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-403 All ordinances shall be passed pursuant to such rules and
26 regulations as the city council may provide, and all such ordinances may
27 be proved by the certificate of the city clerk under the seal of the
28 city. When printed or published in book or pamphlet form and purporting
29 to be published by authority of the city, such ordinances shall be read
30 and received in evidence in all courts and places without further proof.
31 The passage, approval, and publication or posting of such said ordinance

1 shall be sufficiently proved by a certificate under the seal of the city,
2 from the city clerk thereof, showing that such ordinance was passed and
3 approved, and when and in what paper the same was published, and when and
4 by whom and where the same was posted. When ordinances are published in
5 book or pamphlet form, purporting to be published by authority of the
6 city council, the same need not be otherwise published; and such book or
7 pamphlet shall be received as evidence of the passage and legal
8 publication of such ordinances, as of the dates mentioned in such book or
9 pamphlet, in all courts without further proof.

10 Sec. 71. Section 16-404, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-404 (1) All ordinances and resolutions or orders for the
13 appropriation or payment of money shall require for their passage or
14 adoption the concurrence of a majority of all members elected to the city
15 council. The mayor may vote on any such matter when his or her vote will
16 provide the additional vote required to create a number of votes equal to
17 a majority of the number of members elected to the city council, and the
18 mayor shall, for the purpose of such vote, be deemed to be a member of
19 the city council.

20 (2) Ordinances of a general or permanent nature shall be read by
21 title on three different days unless three-fourths of the city council
22 members vote to suspend this requirement, except that in a city having a
23 commission form of government such requirement may be suspended by a
24 three-fifths majority vote. Regardless of the form of government, such
25 requirement shall not be suspended for any ordinance for the annexation
26 of territory. In case such requirement is suspended, the ordinances shall
27 be read by title or number and then moved for final passage. Three-
28 fourths of the city council members may require a reading of any such
29 ordinance in full before enactment under either procedure set out in this
30 section, except that in a city having a commission form of government
31 such reading may be required by a three-fifths majority vote.

1 (3) Ordinances shall contain no subject which is not clearly
2 expressed in the title, and, except as provided in section 19-915, no
3 ordinance or section thereof shall be revised or amended unless the new
4 ordinance contains the entire ordinance or section as revised or amended
5 and the ordinance or section so amended is repealed, except that:

6 (a) For an ordinance revising all the ordinances of the city, the
7 only title necessary shall be An ordinance of the city of,
8 revising all the ordinances of the city. Under such title all the
9 ordinances may be revised in sections and chapters or otherwise, may be
10 corrected, added to, and any part suppressed, and may be repealed with or
11 without a saving clause as to the whole or any part without other title;
12 and

13 (b) For an ordinance used solely to revise ordinances or code
14 sections or to enact new ordinances or code sections in order to adopt
15 statutory changes made by the Legislature which are specific and
16 mandatory and bring the ordinances or code sections into conformance with
17 state law, the title need only state that the ordinance revises those
18 ordinances or code sections affected by or enacts ordinances or code
19 sections generated by legislative changes. Under such title, all such
20 ordinances or code sections may be revised, repealed, or enacted in
21 sections and chapters or otherwise by a single ordinance without other
22 title.

23 Sec. 72. Section 16-405, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-405 The style of ordinances shall be: "Be it ordained by the
26 mayor and city council of the city of, " and all
27 ordinances of a general nature shall, within fifteen days after they are
28 passed, be published in a legal ~~some~~ newspaper in or of general
29 circulation ~~published~~ within the city, or in pamphlet form, to be
30 distributed or sold, as may be provided by ordinance. Every ~~;~~ ~~and every~~
31 ordinance fixing a penalty or forfeiture for its violation shall, before

1 the ordinance same takes effect, be published for at least one week in
2 the some manner above prescribed in this section. In ; ~~Provided, in~~ cases
3 of riots, infectious diseases or other impending danger, or any other
4 emergency requiring its immediate operation, such ordinance shall take
5 effect upon the proclamation of the mayor immediately upon its first
6 publication as ~~above~~ provided in this section.

7 Sec. 73. Section 16-406, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-406 The city council or any committee of the members thereof
10 shall have power to compel the attendance of witnesses for the
11 investigation of matters that may come before them. The president or
12 acting president ; ~~and the presiding officer~~ of the city council, or
13 chairperson ~~chairman~~ of such committee for the time being, may administer
14 such requisite oaths. Such city ; ~~and such~~ council or committee shall
15 have the same authority to compel the giving of testimony as is conferred
16 on courts of justice.

17 Sec. 74. Section 16-501, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-501 No contract shall be made by the city council or any
20 committee or member thereof and no expense shall be incurred by any of
21 the officers or departments of the city corporation, whether the object
22 of the expenditure shall have been ordered by the city council or not,
23 unless an appropriation shall have been previously made concerning such
24 expense, except as ~~herein~~ otherwise expressly provided by law.

25 Sec. 75. Section 16-502, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-502 No officer shall receive any pay or perquisites from the city
28 other than his or her salary, as provided by ordinance and the law
29 relating to cities of the first class, and the city council shall not pay
30 or appropriate any money or any valuable thing to any person not an
31 officer for the performance of any act, service, or duty, the doing or

1 performance of which shall come within the proper scope of the duties of
2 any officer of such city corporation, unless the money or valuable thing
3 ~~same~~ is specifically appropriated and ordered by a vote of three-fourths
4 of all the members elected to the city council.

5 Sec. 76. Section 16-503, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-503 On the passage or adoption of every resolution or order to
8 enter into a contract, or accepting of work done under contract, by the
9 mayor or city council, the yeas and nays shall be called and entered upon
10 the record. To pass or adopt any bylaw or ordinance or any such
11 resolution or order, a concurrence of a majority of the whole number of
12 the members elected to the city council shall be required. The mayor may
13 vote on any such matter when his or her vote will provide the additional
14 vote required to create a number of votes equal to a majority of the
15 number of members elected to the city council, and the mayor shall, for
16 the purpose of such vote, be deemed to be a member of the city council.
17 The requirements of a roll call or viva voce vote shall be satisfied by a
18 city which utilizes an electronic voting device which allows the yeas and
19 nays of each city council member to be readily seen by the public.

20 Sec. 77. Section 16-606, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-606 The city council may assess and levy the whole expense and
23 damage incurred in the creation of any street, avenue, or alley upon the
24 real property fronting upon the same and other property nearby that may
25 be benefited thereby in proportions according to benefits. Such
26 assessments and levy shall be made by resolution, at a regular meeting of
27 the city council, and notice of the time of such meeting and that such
28 assessments will be made thereat shall be published in a legal newspaper
29 in or of general circulation within the ~~in said~~ city ten days before such
30 meeting. Such special taxes shall be due and payable to the city
31 treasurer in thirty days after the assessment and levy. At the time of

1 the next certification to the county clerk for general revenue purposes,
2 such special assessment and levy, so far as not then paid, shall be
3 certified to the county clerk and be put upon the tax list and be
4 collected as other real estate taxes are collected, and paid over to the
5 city treasurer to reimburse the city. Such special taxes shall be a lien
6 on the property upon which assessed and levied from the assessment, and
7 shall bear interest at a rate not to exceed the rate of interest
8 specified in section 45-104.01, as such rate may from time to time be
9 adjusted by the Legislature, from the time due until paid. The
10 proceedings for widening streets shall be the same as herein provided for
11 creating new streets, and shall apply to the widening of streets, alleys,
12 and avenues.

13 Sec. 78. Section 16-607, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-607 (1) Payment of damages assessed for the appropriation of
16 private property for any of the ~~other~~ purposes provided ~~mentioned~~ in
17 section 19-709 but not provided for in section 16-606 may be made by the
18 sale of the negotiable bonds of the city, and for that purpose the mayor
19 and city council shall have power to borrow money and to pledge the
20 property and credit of the city upon its negotiable bonds or otherwise in
21 an amount not exceeding in the aggregate two hundred thousand dollars.

22 (2) No such bonds, referred to in subsection (1) of this section,
23 shall be issued by the city council until the question of issuing the
24 same shall have been submitted to the electors of the city at an election
25 called and held for that purpose, notice of which election shall have
26 been given by publication once each week three successive weeks prior
27 thereto in a ~~some~~ legal newspaper ~~published~~ in or of general circulation
28 in such city, and a majority of the electors voting on the proposition
29 shall have voted in favor of issuing such bonds. The proposition shall
30 not be submitted until after the appraisers referred to in section 76-710
31 have made their report fixing the amount of the damages for the property

1 appropriated. If the proposition fails to carry, it shall be equivalent
2 to a repeal of the ordinance authorizing the appropriation proceedings,
3 and the city shall not be bound in any way on account of the
4 appropriation proceedings referred to in section 19-709.

5 (3) When the bonds, referred to in subsections (1) and (2) of this
6 section, are for the purpose of purchasing any system or portion of a
7 system already in existence, it shall not be necessary for the city
8 engineer to make or the city council to adopt any plans or specifications
9 for the work already in existence, but only for proposed changes or
10 additional work.

11 Sec. 79. Section 16-609, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-609 The city council shall have power to open, control, name,
14 rename, extend, widen, narrow, vacate, grade, curb, gutter, park, and
15 pave or otherwise to improve and control and keep in good repair and
16 condition, in any manner it may deem proper, any street, avenue, or
17 alley, or public park or square, or part of either, within ~~or without~~ the
18 limits of the city or within its extraterritorial zoning jurisdiction,
19 and it may grade partially or to the established grade, or park or
20 otherwise improve any width or part of any such street, avenue, or alley.
21 When the city vacates all or any portion of a street, avenue, or alley,
22 or public park or square, or part of either, the city shall, within
23 thirty days after the effective date of the vacation, file a certified
24 copy of the vacating ordinance with the register of deeds for the county
25 in which the vacated property is located to be indexed against all
26 affected lots.

27 Sec. 80. Section 16-613, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-613 All public bridges within a such city of the first class,
30 exceeding sixty feet in length, and the approaches thereto, over any
31 stream crossing a county highway, shall be constructed and kept in repair

1 by the county. When any city of the first class has constructed or
2 repaired a bridge over sixty-foot span with approaches thereto, on any
3 county highway within its corporate limits, and has incurred a debt for
4 the same, then the treasurer of the county in which such ~~said~~ bridge is
5 located shall pay to the city ~~city~~ treasurer ~~of the city~~ seventy-five percent
6 of all bridge taxes collected in such ~~said~~ city until such ~~said~~ debt and
7 interest upon the same are fully paid. The city council may appropriate a
8 sum not exceeding five dollars per linear foot to aid in the construction
9 of any county bridge within the limits of such city, or may appropriate a
10 like sum to aid in the construction of any bridge contiguous to such ~~said~~
11 city on a highway leading to such bridge ~~the same~~.

12 Sec. 81. Section 16-615, Revised Statutes Supplement, 2015, is
13 amended to read:

14 16-615 (1) The mayor and city council may establish the grade of any
15 street, avenue, or alley in the city or within a county industrial area
16 as defined in section 13-1111 contiguous to such city. When the grade of
17 any street, avenue, or alley has been established, the grade of all or
18 any part shall not be changed unless the city clerk has sent notice of
19 the proposed change in grade to the owners of the lots or land abutting
20 upon the street, avenue, or alley or part of a street, avenue, or alley
21 where such change of grade is to be made. The notice shall be sent to the
22 addresses of the owners as they appear in the office of the register of
23 deeds upon the date of the mailing of the notice. The notice shall be
24 sent by regular United States mail, postage prepaid, postmarked at least
25 twenty-one days before the date upon which the city council takes final
26 action on approval of the ordinance authorizing the change in grade. The
27 notice shall inform the owner of the nature of the proposed change, that
28 final action by the city council is pending, and of the location where
29 additional information on the project may be obtained. Following the
30 adoption of an ordinance changing the grade of all or any part of a
31 street, avenue, or alley, no change in grade shall be made until the

1 damages to property owners which may be caused by such change of grade
2 are determined as provided in sections 76-704 to 76-724.

3 (2) For the purpose of paying the damages, if any, so awarded, the
4 mayor and city council may borrow money from any available fund in the
5 amount necessary, which amount, upon the collection of such amount by
6 special assessment, shall be transferred from such special fund to the
7 fund from which it has been borrowed. No street, avenue, or alley shall
8 be worked to such grade or change of grade until the damages so assessed
9 shall be tendered to such property owners or their agents. Before the
10 mayor and city council enter into any contract to grade any such street,
11 avenue, or alley, the damages, if any, sustained by the property owners,
12 shall be ascertained by condemnation proceedings. For the purpose of
13 paying the damages awarded and the costs of the condemnation proceedings,
14 the mayor and city council may levy a special assessment upon the lots
15 and lands abutting upon such street, avenue, or alley, or part thereof,
16 so graded, as adjudged by the mayor and city council to be especially
17 benefited in proportion to such benefits. Such assessment shall be
18 collected as other special assessments.

19 Sec. 82. Section 16-617, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-617 The mayor and city council of any city of the first class
22 shall have power to make improvements of any street, streets, alley,
23 alleys, or any part of any street, streets, alley or alleys, in the said
24 city, a street which divides the ~~city~~ corporate limits of the city area
25 and the area adjoining the city, or within a county industrial area as
26 defined in section 13-1111 contiguous to such city, and for that purpose
27 to create suitable improvement districts, which shall be consecutively
28 numbered; and such work shall be done under contract. Such districts may
29 include properties within the corporate limits, adjoining the corporate
30 limits, and within county industrial areas as defined in section 13-1111
31 contiguous to such cities.

1 Sec. 83. Section 16-618, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-618 Any ~~paving district or other~~ improvement district shall
4 include only portions of different streets, or portions of ~~town~~ alleys,
5 or portions of each, which abut or adjoin so that such district, when
6 created, makes up one continuous or extended street or more, except that
7 the district may include a cul de sac, any street, alley, or portion
8 thereof which is closed at one end or which connects with only one other
9 existing street, alley, or portion thereof. Any ~~paving or other~~
10 improvement district may include portions of different streets, or
11 portions of different alleys, or portions of each, provided they abut or
12 connect with each other, or provided the several portions abut on
13 pavement or gravel already laid, or any other of aforesaid improvements
14 already laid.

15 Sec. 84. Section 16-619, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-619 The mayor and city council of any city of the first class
18 exercising authority to make improvements as provided under section
19 16-617 shall first, by ordinance, create an a paving, graveling or other
20 improvement district or districts. After ~~The mayor and clerk shall~~, after
21 the passage, approval, and publication of such ordinance, the city clerk
22 shall publish notice of the creation of any such district or districts
23 one time each week for not less than twenty days in a legal daily or
24 weekly newspaper in or of general circulation ~~published~~ in the city.

25 Sec. 85. Section 16-620, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-620 If the owners of the record title representing more than
28 fifty percent of the front footage of the property abutting or adjoining
29 any continuous or extended street, cul de sac, or alley of an improvement
30 the district created pursuant to section 16-617, or portion thereof which
31 is closed at one end, and who were such owners at the time the ordinance

1 creating such ~~the~~ district was published, shall file with the city clerk,
2 within twenty days from the first publication of such ~~said~~ notice,
3 written objections to the improvement of a district, such ~~said~~ work shall
4 not be done in such ~~said~~ district under such ~~said~~ ordinance, but such
5 ~~said~~ ordinance shall be repealed. If objections are not filed against any
6 district in the time and manner aforesaid, the mayor and city council
7 shall forthwith proceed to construct such improvement.

8 Sec. 86. Section 16-621, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-621 In advertising for bids for paving, repaving, graveling or
11 macadamizing, the mayor and city council may provide for bids on
12 different materials and types of construction, and shall in addition
13 provide for asking bids on any material or materials that may be
14 suggested by petition of owners of the record title representing twenty-
15 five percent of the abutting property owners in an improvement a
16 district, if such petition is filed with the city clerk before
17 advertisement for bids is ordered. On opening of bids for paving or
18 repaving in any such district, the mayor and city council shall postpone
19 action thereon for a period of not less than ten days. During such ~~said~~
20 period of postponement, the owners of the record title representing a
21 majority of the abutting property owners in a district may file with the
22 city clerk a petition for the use of a particular material for paving for
23 which a bid has been received, in which event a bid on that material
24 shall be accepted and the work shall be done with that material. The ;
25 ~~Provided, the above~~ regulations as to advertising for bids and opening of
26 bids and postponing of action thereon and the right of selection of
27 materials shall not apply in case of graveling. In case such owners fail
28 to designate the material they desire used in such paving or repaving, or
29 macadamizing, in the manner and within the time ~~above~~ provided in this
30 section, the mayor and city council shall determine ~~upon~~ the material to
31 be used. The ; ~~Provided, the mayor and~~ city council may ~~in any event, at~~

1 ~~their option,~~ reject all bids and readvertise if, in their judgment, the
2 public interest requires.

3 Sec. 87. Section 16-622, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-622 The cost of making ~~such~~ improvements of the streets and
6 alleys within any ~~street~~ improvement district created pursuant to section
7 16-617 shall be assessed upon the lots and lands in such districts
8 specially benefited thereby in proportion to such benefits. The amounts
9 thereof shall, except as provided in sections 19-2428 to 19-2431, be
10 determined by the mayor and city council under the provisions of section
11 16-615. The assessment of the special tax for the cost of such
12 improvements, except as provided in this section, shall be levied at one
13 time and shall become delinquent in equal annual installments over such
14 period of years, not to exceed twenty, as the mayor and city council may
15 determine at the time of making the levy, the first such installment to
16 become delinquent in fifty days after the date of such levy. Each
17 installment of said installments, including those for graveling and the
18 construction and replacement of pedestrian walks, plazas, malls,
19 landscaping, lighting systems, and permanent facilities used in
20 connection therewith as ~~hereinafter~~ provided in this section, except the
21 first, shall draw interest at a rate established by the mayor and city
22 council not exceeding the rate of interest specified in section
23 45-104.01, as such rate may from time to time be adjusted by the
24 Legislature, from the time of levy until the levy becomes same ~~shall~~
25 ~~become~~ delinquent. After the levy becomes same ~~shall become~~ delinquent,
26 interest at the rate specified in section 45-104.01, as such rate may
27 from time to time be adjusted by the Legislature, shall be paid thereon.
28 Should there be three or more ~~of said~~ installments delinquent and unpaid
29 on the same property the mayor and city council may by resolution declare
30 all future installments on such delinquent property to be due on a future
31 fixed date. The resolution shall set forth the description of the

1 property and the names of its record title owners and shall provide that
2 all future installments shall become delinquent upon the date fixed. A
3 copy of such resolution shall be published one time each week for not
4 less than twenty days in a legal newspaper in or of general circulation
5 ~~published~~ in the city and after the fixed date such future installments
6 shall be deemed to be delinquent and the city may proceed to enforce and
7 collect the total amount due and all future installments. For ~~As to~~
8 assessments for graveling alone and without guttering or curbing, one-
9 third of the total amount assessed against each lot or parcel of land
10 shall become delinquent in fifty days after the date of the levy of the
11 same, one-third in one year, and one-third in two years.

12 Sec. 88. Section 16-623, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-623 For the purpose of paying the cost of improving the streets,
15 avenues or alleys in an improvement ~~any such~~ district created pursuant to
16 section 16-617, exclusive of intersections of streets or avenues, or
17 spaces opposite alleys therein, the mayor and city council shall have
18 power and may, by ordinance, cause to be issued bonds of the city, to be
19 called Street Improvement Bonds of District No., payable in not
20 exceeding twenty years from date, and bearing interest, payable either
21 annually or semiannually, with interest coupons attached. In such cases
22 they shall also provide that the said special taxes and assessments shall
23 constitute a sinking fund for the payment of the said bonds. The ÷
24 ~~Provided,~~ the entire cost of improving any such street, avenue, or alley,
25 properly chargeable to any lot or land within any such improvement
26 district according to the front footage thereof, may be paid by the
27 owners of such lots or lands within fifty days from the levying of such
28 special taxes, and thereupon such lot or lands shall be exempt from any
29 lien or charge therefor.

30 Sec. 89. Section 16-624, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-624 Whenever the owners of lots or lands abutting upon any
2 street, avenue, or alley within the city, representing three-fourths of
3 the front footage thereon, so that an improvement ~~such~~ district when
4 created will make up one continuous or extended thoroughfare or more,
5 shall petition the mayor and city council to make improvement of such
6 street, avenue, or alley without cost to the city, and to assess the
7 entire cost of any such improvements in any such street, avenue, or
8 alley, including intersections of streets or avenues and spaces opposite
9 alleys, against the private property within such improvement district or
10 districts, it shall be the duty of the mayor and city council to create
11 the proper improvement district or districts, which shall be
12 consecutively numbered, and to improve the same and to proceed in the
13 same manner and form as ~~hereinbefore~~ provided for in other paving and
14 improvement districts. The ; ~~Provided,~~ the mayor and city council shall
15 have power to levy the entire cost of such improvements of any such
16 street, avenue, or alley, including intersections of streets or avenues
17 and spaces opposite alleys, against the private property within such
18 district, and to issue Street Improvement Bonds of District No. to
19 pay for such improvements in the same manner and form as ~~hereinbefore~~
20 provided for in other improvement bonds. Such bonds shall be issued to
21 cover the entire cost of so improving such streets or avenues,
22 intersections of the same, and spaces opposite alleys. If the assessments
23 ~~hereinbefore~~ provided for, or any part thereof, shall fail, or for any
24 reason shall be invalid, the mayor and city council may make other and
25 further assessments upon such lots or lands as may be required to collect
26 from the same the cost of any improvements properly chargeable thereto,
27 as herein provided. The mayor and city council shall have the discretion
28 to deny the formation of the proposed district when the area to be
29 improved has not previously been improved with a water system, sewer
30 system, and grading of streets. If the mayor and city council should deny
31 a requested improvement district formation, they shall state their

1 grounds for such denial in a written letter to interested parties.

2 Sec. 90. Section 16-625, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-625 The cost of improving the intersections of streets or avenues
5 and spaces opposite alleys in an improvement such district, except as
6 ~~hereinbefore~~ specially provided in sections 16-609 to 16-624, shall be
7 paid by the city as provided in sections 16-625 to 16-628. ~~Nothing in~~
8 sections 16-617 to 16-650 ~~as hereinafter provided; but nothing herein~~
9 ~~contained~~ shall be construed to exempt any street or other railway
10 company from improving with such material as the mayor and city council
11 may order, its whole right-of-way including all space between and one
12 foot beyond the outer rails, at its own cost, whenever any street or
13 avenue shall be ordered improved by the mayor and city council ~~of the~~
14 ~~city~~ as provided by law. No ; ~~Provided, no~~ street or other railway
15 company shall enter upon or occupy any paved street or avenue, within
16 five years after such paving shall have been completed, until it shall
17 pay into the city treasury the original cost of paving between and one
18 foot beyond the outer rails, which sum shall be credited on the special
19 assessment upon the abutted lots. If ; ~~and if~~ the special assessment
20 shall have been paid, then the money shall be paid, by warrant, to the
21 party who has already paid such special assessment.

22 Sec. 91. Section 16-626, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-626 For all improvements of the intersections and areas formed by
25 the crossing of streets, avenues, or alleys, and one-half of the streets
26 adjacent to real estate owned by the United States, the State of
27 Nebraska, or the city, the assessment shall be made upon all the taxable
28 property of the city; and for the payment of such improvements, the mayor
29 and city council ~~or the city commissioners~~ are hereby authorized to issue
30 improvement bonds of the city in such denominations as they deem proper,
31 to be called Intersection Improvement Bonds, payable in not to exceed

1 twenty years from date of the said bonds and to bear interest payable
2 annually or semiannually. Such bonds shall not be issued in excess of the
3 cost of such said improvements. For the purpose of making partial
4 payments as the work progresses in making the improvements of streets,
5 avenues, alleys, or intersections and areas formed by the crossing of
6 streets, avenues, or alleys, or one-half of the streets adjacent to real
7 estate owned by the United States, the State of Nebraska, or the city,
8 warrants may be issued by the mayor and city council upon certificates of
9 the engineer in charge showing the amount of the work completed and
10 materials necessarily purchased and delivered for the orderly and proper
11 continuation of the project, in a sum not exceeding ninety-five percent
12 of the cost thereof, and upon completion and acceptance of the work issue
13 a final warrant for the balance of the amount due the contractor, which
14 warrants shall be redeemed and paid upon the sale of bonds authorized by
15 law. The city shall pay to the contractor interest at the rate of eight
16 percent per annum on the amounts due on partial and final payments
17 beginning forty-five days after the certification of the amounts due by
18 the engineer in charge and approval by the city council governing body,
19 and running until the date that the warrant is tendered to the
20 contractor. Nothing in this section herein shall be construed as
21 authorizing the mayor and city council to make improvements of any
22 intersections or areas formed by the crossing of streets, avenues, or
23 alleys, unless in connection with one or more blocks of any of aforesaid
24 kinds or forms of street improvement of which the improvement of such
25 intersection or areas shall form a part.

26 Sec. 92. Section 16-627, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-627 The cost and expense of improving, constructing, or repairing
29 streets, avenues, alleys, and sidewalks, at their intersections, may be
30 included in the special tax levied for the construction or improvement of
31 any one street, avenue, alley, or sidewalk, as may be deemed best by the

1 city council.

2 Sec. 93. Section 16-628, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-628 Special ~~Such special~~ taxes as provided in section 16-627
5 shall be due and may be collected as the improvements are completed in
6 front of or along or upon any block or piece of ground, or at the time
7 the improvement is entirely completed or otherwise, as shall be provided
8 in the ordinance levying the tax.

9 Sec. 94. Section 16-630, Revised Statutes Supplement, 2015, is
10 amended to read:

11 16-630 If curbing, or curbing and guttering, is done upon any
12 street, avenue, or alley in any improvement paving, ~~repaving, graveling,~~
13 ~~or macadamizing~~ district in which paving or other such improvement has
14 been ordered, and the mayor and city council shall deem it expedient to
15 do so, the mayor and city council may, for the purpose of paying the cost
16 of such curbing, or curbing and guttering, to cause to be issued bonds of
17 the city, to be called Curbing and Guttering Bonds of Improvement Paving
18 District No., payable in not exceeding ten years from date, bearing
19 interest, payable annually or semiannually, with interest coupons
20 attached. In all cases the mayor and city council shall assess at one
21 time as a special assessment the total cost of such curbing, or curbing
22 and guttering, upon the property abutting or adjacent to the portion of
23 the street, avenue, or alley so improved, according to the special
24 benefits. Such special assessments shall become delinquent the same as
25 the special assessments for paving, repaving, graveling, or macadamizing
26 purposes, draw the same rate of interest, be subject to the same
27 penalties, and may be paid in the same manner, as special assessments for
28 such purpose. The special assessment shall constitute a sinking fund for
29 the payment of such bonds and interest, and the bonds shall not be sold
30 for less than their par value.

31 Sec. 95. Section 16-631, Revised Statutes Supplement, 2015, is

1 amended to read:

2 16-631 If an improvement district has been established, an
3 improvement thereon constructed, and curbing, or curbing and guttering,
4 is therewith constructed and it becomes necessary to issue and sell
5 street improvement bonds to pay for the cost of construction of the
6 improvement and the curbing, or curbing and guttering, the mayor and city
7 council may, at their discretion, ~~if they deem it advisable,~~ include the
8 cost of curbing, or curbing and guttering, with the cost of ~~the~~ other
9 improvements ~~improvement~~ in the ~~paving or other~~ improvement district, and
10 issue bonds for the combined cost of the improvement and curbing, or
11 curbing and guttering, in any of the districts, naming the bonds Street
12 Improvement Bonds of District No. The amount of money
13 necessary for the payment of such bonds shall be levied upon and
14 collected from abutting and adjacent property and property specially
15 benefited as a special assessment.

16 Sec. 96. Section 16-632, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-632 In order to defray the costs and expenses of such
19 improvements in any improvement district or any of them, the mayor and
20 city council shall have power and authority to levy and collect special
21 taxes and assessments upon the lots and pieces of ground adjacent to or
22 abutting upon the street, avenue, alley, or sidewalk, thus in whole or in
23 part improved or repaired or which may be specially benefited by such
24 improvements. The ; Provided, the above provisions in this section shall
25 not apply to ordinary repairs of streets or alleys, and the cost of such
26 repairs repair shall be paid out of the road fund. The ; and the mayor
27 and city council are authorized to draw warrants against such said fund
28 not to exceed eighty-five percent of the amount levied as soon as levy
29 shall be made by the county board.

30 Sec. 97. Section 16-633, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-633 If, in any city of the first class, there shall be any real
2 estate belonging to any county, school district, city, ~~village, municipal~~
3 or other political subdivision ~~quasi-municipal corporation~~ abutting upon
4 the street, avenue, or alley whereon paving or other ~~special~~ improvements
5 have been ordered, it shall be the duty of the governing body of the
6 political subdivision ~~county board, board of education or other proper~~
7 ~~officers~~ to pay such special taxes. ~~In ; and, in~~ the event of the neglect
8 or refusal of such governing body ~~board or other officers~~ to pay such
9 taxes, or to levy and collect the taxes necessary to pay for such
10 improvements, the city may recover the amount of such special taxes in a
11 proper action. The judgment thus obtained may be enforced in the usual
12 manner, and the signatures of such political subdivisions ~~corporations~~ to
13 all petitions shall have like force and effect as that of other property
14 owners.

15 Sec. 98. Section 16-634, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-634 If, in any city of the first class, there shall be any real
18 estate of any minor or protected person, the guardian or conservator of
19 such minor or protected person may sign any petition ~~herein~~ referred to
20 in state law, and such signature shall have like force and effect as that
21 of other property owners.

22 Sec. 99. Section 16-635, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-635 For the purposes of sections 16-617 to 16-650, the ~~The~~ word
25 ~~lot as used herein~~ shall be taken to mean lot as described and designated
26 upon the record plat of any ~~such~~ city of the first class, or within a
27 county industrial area as defined in section 13-1111 contiguous to such
28 ~~city. If ; and in case~~ there is no recorded plat of any such city or
29 county industrial area, it shall mean a lot as described and designated
30 upon any generally recognized map of any such city or county industrial
31 area. The word land shall mean any subdivided or unplatted real estate in

1 such city or county industrial area. ~~If ; Provided,~~ if the lots and real
2 estate abutting upon that part of the street ordered improved, as shown
3 upon any recorded plat or map, are not of uniform depth, or, if for any
4 reason, it shall appear just and proper to the mayor and city council,
5 they are authorized and empowered to determine and establish the depth to
6 which such real estate shall be charged and assessed with the costs of
7 the improvements ~~improvement~~, which shall be determined and established
8 according to the benefits accruing to the property by reason of such
9 improvements. Real estate may be so charged and assessed to a greater
10 depth than lots as shown on any such plat or map.

11 Sec. 100. Section 16-636, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-636 The mayor and city council may, in their discretion, include
14 all the real estate to be charged and assessed with the cost of such
15 improvements in the improvement districts described in sections 16-617 to
16 16-635 ~~hereinbefore provided for,~~ but are not required to do so. ~~The ;~~
17 ~~and the~~ mayor and city council may, in their discretion, in determining
18 whether the requisite majority of owners who are ~~hereinbefore~~
19 in sections 16-617 to 16-635 to petition for improvements, and to object
20 to the improvements and to determine the kind of material to be used
21 therefor, have joined in such petition, determination or objections,
22 consider and take into account all the owners of real estate to be
23 charged and assessed with the cost of any of such ~~said~~ improvements, or
24 only such as own lots, parts of lots, and real estate which, in fact,
25 abut upon the part of the street, avenue, or alley proposed to be so
26 improved. ~~This~~ ~~The provisions of this~~ section, in regard to the depth to
27 which real estate may be charged and assessed, shall apply to all special
28 taxes that may be levied by the mayor and city council in any such city
29 in proportion to the front footage.

30 Sec. 101. Section 16-637, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-637 Any party feeling aggrieved by any special tax or assessment,
2 or proceeding for improvements, may pay such ~~the said~~ special taxes
3 assessed and levied upon his, her, or its property, or such installments
4 thereof as may be due at any time before the special tax or assessment
5 ~~same~~ shall become delinquent, under protest, and with notice in writing
6 to the city treasurer that he, she, or it intends to sue to recover the
7 special tax or assessment ~~same~~, which notice shall particularly state the
8 alleged grievance and the ground for the grievance ~~thereof~~. Such party
9 shall have the right to bring a civil action within sixty days
10 ~~thereafter, and not later,~~ to recover so much of the special tax or
11 assessment paid as he, she, or it shows to be illegal, inequitable, and
12 unjust, the costs to follow the judgment or to be apportioned by the
13 court, as may seem proper, which remedy shall be exclusive. The city
14 treasurer shall promptly report all such notices to the city council for
15 such action as may be proper. No court shall entertain any complaint that
16 the party was authorized to make and did not make to the city council,
17 sitting as a board of equalization, nor any complaint not specified in
18 such ~~said~~ notice fully enough to advise the city of the exact nature
19 thereof, nor any complaint that does not go to the groundwork, equity,
20 and justness of such tax. The burden of proof to show such tax or part
21 thereof invalid, inequitable, and unjust shall rest upon the party who
22 brings the suit.

23 Sec. 102. Section 16-646, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-646 In every case of the levy of special taxes, the special taxes
26 ~~same~~ shall be a lien on the property on which levied from date of levy
27 and shall be due and payable to the city treasurer thirty days after such
28 levy when not otherwise provided. At ~~;~~ ~~and,~~ ~~at~~ the time of the next
29 certification for general revenue purposes to the county clerk, if not
30 previously paid, the special taxes, except paving, repaving, graveling,
31 macadamizing, and curbing or curbing and guttering shall be certified to

1 the county clerk, ~~and by him~~ be placed upon the tax list, ~~and be~~
2 collected as other real estate taxes are collected, and ~~be~~ paid over to
3 the city treasurer. Paving ; ~~and paving~~, repaving, graveling,
4 macadamizing and curbing, or curbing and guttering taxes may be so
5 certified and collected by the county treasurer at the option of such
6 ~~said~~ city.

7 Sec. 103. Section 16-647, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-647 It shall be sufficient in any case to describe the lot or
10 piece of ground as it the same is platted and recorded although the lot
11 or piece of ground same belongs to several persons. If ; but, in case any
12 lot or piece of ground belongs to different persons, the owner of any
13 part thereof may pay his or her portion of the tax on such lot or piece
14 of ground, and his or her proper share may be determined by the city
15 treasurer.

16 Sec. 104. Section 16-649, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-649 All improvements of any streets, avenues or alleys in the
19 city for which, or any part thereof, a special tax shall be levied, shall
20 be done by contract with the lowest responsible bidder to be determined
21 by the city council.

22 Sec. 105. Section 16-650, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-650 When any improvement is completed according to contract, it
25 shall be the duty of the city engineer to carefully inspect the
26 improvement same; and, if the improvement is found to be properly done,
27 such engineer shall accept the improvement same, and ~~forthwith~~ report his
28 or her acceptance thereof to the board of public works or mayor, who
29 shall report the same to the city council with recommendation that the
30 same be approved or disapproved. The ; and the city council may confirm
31 or reject such acceptance. When the ordinance levying the tax makes the

1 same due as the improvement is completed in front of or along any block
2 or piece of ground, the city engineer may accept the same in sections
3 from time to time, if found to be done according to the contract,
4 reporting his or her acceptance as in other cases.

5 Sec. 106. Section 16-651, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-651 Whenever the owners of lots and lands abutting upon any
8 street or alley, or part thereof, within the city, representing two-
9 thirds of the feet front abutting upon such part of street or alley
10 desired to be graded, shall petition the city council to grade such
11 street or alley, or part thereof, without cost to the city, the mayor and
12 city council shall order the grading done and assess the costs thereof
13 against the property abutting upon such street or alley or such part
14 thereof so graded. For this purpose the mayor and city council shall
15 create suitable grading districts, which shall be consecutively numbered.

16 Sec. 107. Section 16-653, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-653 For the purpose of paying the costs of grading the streets
19 and alleys in a grading ~~such~~ district, exclusive of the intersection of
20 streets and spaces opposite alleys therein, the mayor and city council
21 shall have power, and may, by ordinance, cause to be issued bonds of the
22 city, to be called District Grading Bonds of District No., payable
23 in not exceeding five years from date and to bear interest, payable
24 annually or semiannually, with interest coupons attached, and that as
25 nearly as possible an equal amount of the bonds shall be made to mature
26 each year, and in such case shall also provide that such special taxes
27 and assessments shall constitute a sinking fund for the payment of such
28 ~~said~~ bonds and interest. The ~~;~~ ~~Provided,~~ the entire cost of grading any
29 such street or alley properly chargeable to any lots or lands within any
30 such grading district, according to feet front thereof, may be paid by
31 the owner of such lots or lands within fifty days from the levy of such

1 ~~special taxes or assessments. Such~~ ~~;~~ ~~and thereupon~~ such lot or land shall
2 be exempt from any lien or charge therefor.

3 Sec. 108. Section 16-654, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-654 Whenever the owner of lots and lands abutting upon any street
6 or avenue, alley, or lane, or part thereof, representing three-fourths of
7 the feet front abutting upon any such street, or avenue, alley, or lane,
8 or part thereof, shall petition the mayor and city council to grade the
9 street, avenue, alley, or lane same, including the intersections of
10 streets, avenues, or lanes and spaces opposite alleys and lanes, without
11 cost to the city, and to assess the entire cost of grading such street,
12 avenue, alley, or lane or part thereof, including the intersections of
13 streets, avenues, or lanes and spaces opposite alleys or lanes, against
14 the lots and lands abutting upon such street, avenue, alley, or lane, or
15 part thereof, so graded, thereupon the mayor and city council shall
16 create grading districts, make assessments, issue bonds, and proceed in
17 the same manner as in cases of grading ~~hereinbefore~~ provided in sections
18 16-651 and 16-653. Bonds ~~;~~ ~~Provided, bonds~~ shall be issued to cover the
19 entire cost of grading both the streets, avenues, or alleys, and the
20 intersections of streets or avenues and spaces opposite alleys.

21 Sec. 109. Section 16-655, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-655 The aggregate amount of ~~such~~ bonds issued under sections
24 16-653 and 16-654 in any one year shall not exceed fifty thousand
25 dollars, and shall not be sold for less than their par value. If any
26 assessment or part thereof shall fail or for any reason be invalid, the
27 mayor and city council may make such further assessments upon such ~~said~~
28 lots or lands, as may be required, and collect from the owners the cost
29 of any grading properly chargeable. No ~~thereto, as herein provided;~~
30 ~~Provided, no~~ street, avenue, alley, or lane shall be so graded until the
31 damages to property owners, if any, shall be ascertained by three

1 disinterested property owners freeholders to be appointed by the mayor
2 and city council and the proceedings to be the same in all respects as
3 provided in section 16-615 for cases of change of grade.

4 Sec. 110. Section 16-661, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-661 The mayor and city council may construct and repair, or cause
7 and compel the construction and repair, of sidewalks in such city of such
8 material and in such manner as they may deem necessary.

9 Sec. 111. Section 16-662, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-662 In case the owner or owners of any lot, lots, or lands
12 abutting on any street or avenue, or part thereof, shall fail to
13 construct or repair any sidewalk in front of his, her or their lot, lots,
14 or lands within the time and in the manner as directed and requested by
15 the mayor and city council, after having received due notice to do so,
16 they shall be liable for all damages or injury occasioned by reason of
17 the defective or dangerous condition of any sidewalk; and the mayor and
18 city council shall have power to cause such sidewalk to be constructed or
19 repaired and assess the cost thereof against such property.

20 Sec. 112. Section 16-664, Revised Statutes Supplement, 2015, is
21 amended to read:

22 16-664 The mayor and city council may provide for the laying of
23 permanent sidewalks. Upon the petition of any property owner freeholder
24 who desires to build such a permanent sidewalk, the mayor and city
25 council may order the sidewalk to be built, the cost of the sidewalk
26 until paid shall be a perpetual lien upon the real estate along which the
27 property owner freeholder desires such sidewalk to be constructed, and
28 the city council may assess and levy the costs of the sidewalk against
29 such real estate as a special assessment. The total cost of the building
30 of the permanent sidewalk shall be levied at one time upon the property
31 along which such permanent sidewalk is to be built, and become delinquent

1 as follows: One-seventh of the total cost shall become delinquent in ten
2 days after such levy; one-seventh in one year; one-seventh in two years;
3 one-seventh in three years; one-seventh in four years; one-seventh in
4 five years; and one-seventh in six years. Each of such installments,
5 except the first, shall draw interest at a rate of not exceeding the rate
6 of interest specified in section 45-104.01, as such rate may from time to
7 time be adjusted by the Legislature, from the time of the levy, until the
8 installment becomes delinquent. If the installment becomes delinquent,
9 interest at the rate specified in section 45-104.01, as such rate may
10 from time to time be adjusted by the Legislature, shall be paid thereon
11 as in the case of other special assessments. The city council shall pay
12 for the building of such permanent sidewalk out of the general fund. The
13 mayor and city council may pass an ordinance to carry into effect this
14 section.

15 Sec. 113. Section 16-665, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-665 The mayor and city council may provide for the laying of
18 permanent sidewalks and of temporary plank sidewalks upon the natural
19 surface of the ground without regard to the grade, on streets not
20 permanently improved, and provide for the assessment of the cost therein
21 on the property in front of which such sidewalks ~~the same~~ shall be laid.

22 Sec. 114. Section 16-666, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-666 Assessments made under sections 16-250 and 16-665 shall be
25 made and assessed in the following manner:

26 (1) Such assessments shall be made by the city council at any
27 meeting by a resolution fixing the costs of the construction or repair of
28 such work along the lot adjacent thereto as a special assessment thereon,
29 the amount charged against the same, which, with the vote thereon by yeas
30 and nays, shall be recorded in spread at length upon the minutes; and
31 notice of the time of holding such meeting and the purpose for which it

1 is to be held shall be published in a legal ~~some~~ newspaper in or
2 ~~published and~~ of general circulation in the city at least ten days before
3 the same shall be held, or in lieu thereof, personal service may be had
4 upon persons owning or occupying property to be assessed;

5 (2) All such assessments shall be known as special assessments for
6 improvements, and with the cost of notice shall be levied and collected
7 as a special tax, in addition to the taxes for general revenue purposes,
8 subject to the same penalties and collected in like manner as other city
9 taxes; but such special assessment shall draw interest at a rate not to
10 exceed the rate of interest specified in section 45-104.01, as such rate
11 may from time to time be adjusted by the Legislature; and the same shall
12 be certified to the county clerk at the same time as the next
13 certification for general revenue purposes.

14 Sec. 115. Section 16-667, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-667 A city of the first class ~~The city~~ may, by ordinance, lay
17 off the city into suitable districts for the purpose of establishing one
18 or more systems ~~therein a system~~ of sewerage, and drainage, or and water
19 service; to provide such sewerage, drainage, and water systems and
20 regulate the construction, repair, and use of such systems ~~the same~~; to
21 compel all proper connections therewith and branches from other streets,
22 avenues, and alleys, and from private property; and to provide a penalty
23 not to exceed one hundred dollars for any obstruction or injury to any
24 sewer, ~~or~~ drain, or water main or part thereof, or for failure to comply
25 with the regulations therefor prescribed.

26 Sec. 116. Section 16-667.01, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 16-667.01 Upon formation by city ordinance of sewerage, drainage,
29 and water service districts as described by section 16-667, the city
30 shall mail copies of such city ordinance and this section to the owners
31 of the record title of any property abutting upon the streets, avenues,

1 or alleys, or parts thereof, which are within such district within twenty
2 calendar days of the passage of the ordinance. The owners of the record
3 title representing more than fifty percent of the front footage of the
4 property abutting upon the streets, avenues, or alleys, or parts thereof
5 which are within such a proposed district may, by petition, stop
6 formation of such a district. Such written protest shall be submitted to
7 the city council or city clerk within thirty calendar days after
8 publication of notice concerning the ordinance in a legal newspaper in or
9 of general circulation in the city. Publication of such notice shall
10 follow within ten calendar days after passage of such an ordinance. The
11 mailing notice requirement of this section shall be satisfied by mailing
12 a copy of the ordinance and this section by United States mail to the
13 last-known address of the owners of the record title.

14 Sec. 117. Section 16-667.02, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 16-667.02 Upon formation of a district as provided in section
17 16-667.01, the mayor and city council may order sewer, drainage, or water
18 systems and mains to be laid and constructed in such district and the
19 costs, to the extent of the special benefit, assessed against the lots
20 and parcels of real estate in such district. The cost of sewer, drainage,
21 or water systems or mains in excess of collections from special
22 assessments under this section may be paid out of the sewer fund or water
23 fund, or, if money in such fund is insufficient, out of the general fund
24 of the city.

25 Sec. 118. Section 16-667.03, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 16-667.03 If, after ten days' notice by certified mail or
28 publication in a legal newspaper in or of general circulation in the
29 city, a property owner fails to make such connections and comply with
30 such regulations as the city council may order in accordance with section
31 16-667.02, the city council may order such connection be made, and assess

1 the cost thereof against the property so benefited.

2 Sec. 119. Section 16-669, Revised Statutes Supplement, 2015, is
3 amended to read:

4 16-669 (1) Except as provided in subsection (2) of this section,
5 special assessments for sewer, drainage, or water improvements in a
6 district created pursuant to section 16-667 shall be levied at one time
7 and shall become delinquent in equal annual installments over a period of
8 years equal to the number of years for which the bonds for such project
9 were issued pursuant to section 16-670. The first installment becomes
10 delinquent fifty days after the making of such levy. Each installment,
11 except the first, shall draw interest from the time of such levy until
12 such installment becomes delinquent. After an installment becomes
13 delinquent, interest at the rate specified in section 45-104.01, as such
14 rate may from time to time be adjusted by the Legislature, shall be paid
15 thereon until such installment is collected and paid. Such special
16 assessments shall be collected and enforced as in cases of other special
17 assessments and shall be a lien on such real estate from and after the
18 date of the levy thereof. If three or more installments are delinquent
19 and unpaid on the same property, the city council may by resolution
20 declare all future installments on such delinquent property to be due on
21 a future fixed date. The resolution shall set forth the description of
22 the property and the names of its record title owners and shall provide
23 that all future installments shall become delinquent upon the date fixed.
24 A copy of such resolution shall be published one time each week for not
25 less than twenty days in a legal newspaper in or of general circulation
26 ~~published~~ in the city and after the fixed date such future installments
27 shall be deemed to be delinquent and the city may proceed to enforce and
28 collect the total amount due and all future installments.

29 (2) If the city incurs no new indebtedness pursuant to section
30 16-670 for sewer or water improvements in a district, special assessments
31 for sewer or water improvements shall be levied at one time and shall

1 become delinquent in equal annual installments over such period of years
2 as the city council determines at the time of making the levy to be
3 reasonable and fair.

4 Sec. 120. Section 16-670, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-670 For the purpose of paying the cost of any ~~such~~ sewer,
7 drainage, or water improvements in any ~~such~~ district created pursuant to
8 section 16-667, the city council shall have the power and may by
9 ordinance cause bonds of the city to be issued called District Sewer
10 ~~(Water)~~ Bonds of District No., District Drainage Bonds of District
11 No., or District Water Bonds of District No., payable in not
12 exceeding twenty years from date and to bear interest payable annually or
13 semiannually with interest coupons attached. All special assessments
14 which may be levied upon properties specially benefited by such work or
15 improvements shall, when collected, be set aside and constitute a sinking
16 fund for the payment of the interest and principal of such bonds. The
17 cost of such sewer, drainage, or water improvements chargeable by special
18 assessment to the private property within such district may be paid by
19 the owners of such property within fifty days from the levy of such
20 special assessments, and thereupon such property shall be exempt from any
21 lien for the special assessment. Such bonds shall not be sold for less
22 than their par value and if any assessment or any part thereof fails or
23 for any reason is invalid, the city council may make such other and
24 further assessments on such lots or lands as may be required to collect
25 from the lots or lands the cost of any such sewer, drainage, or water
26 improvements properly chargeable to the lots or lands as provided in this
27 section. If such assessments or any part thereof fails or for any reason
28 is invalid, the city council may, without further notice, make such other
29 and further assessments on such lots or lands as may be required to
30 collect from the lots or lands the cost of such improvement properly
31 chargeable to the lots or lands as provided in this section. Nothing in

1 this section shall be construed to prevent a city from paying the cost of
2 sewer, drainage, or water improvements from revenue bonds as otherwise
3 provided by law. When revenue bonds are issued to pay the cost of sewer,
4 drainage, or water improvements, the city council may provide that the
5 collections from any related special assessment district shall be
6 allocated to the gross revenue of the appropriate utility system.

7 Sec. 121. Section 16-671, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-671 For the purpose of paying the cost of construction of such
10 sewer, drainage, ~~mains~~ or water systems or mains, or any or all of such
11 sewer, drainage, or water systems or mains ~~both~~, the mayor and city
12 council shall have power to issue warrants in amounts not to exceed the
13 total sum of the special assessments ~~above~~ provided for in section
14 16-670, which such ~~said~~ warrants shall bear interest at such rate as the
15 mayor and city council shall order. When there are no funds immediately
16 available for the payment thereof, such ~~said~~ warrants shall be registered
17 in the manner provided for the registration of other warrants, and called
18 and paid whenever there are funds available for the purpose in the manner
19 provided for the calling and paying of other warrants. For the purpose of
20 paying such ~~said~~ warrants and the interest thereon from the time of their
21 registration until paid, the special assessments pursuant to section
22 16-670 ~~above provided for~~ shall be kept as they are paid and collected in
23 a fund to be designated and known as the Sewer and Water Extension Fund
24 into which all money levied for such improvements shall be paid as
25 collected, and out of which all warrants issued for such purposes shall
26 be paid.

27 Sec. 122. Section 16-672, Revised Statutes Supplement, 2015, is
28 amended to read:

29 16-672 Special assessments may be levied by the mayor and city
30 council for the purpose of paying the cost of constructing sewers,
31 drainage, or water systems or mains ~~drains~~ within the city. Such

1 assessment shall be levied on the real estate lying and being within the
2 sewerage, drainage, or water service district in which such improvements
3 ~~sewers or drains~~ may be situated to the extent of benefits to such
4 property by reason of such improvement. The benefits to such property
5 shall be determined by the city council sitting as a board of
6 equalization, after notice to property owners is provided as in other
7 cases of special assessment. If the city council, sitting as such board
8 of equalization, shall find such benefits to be equal and uniform, such
9 levy may be according to the front foot of the lots or real estate within
10 such sewerage district, according to such other rule as the city council
11 sitting as such board of equalization may adopt for the distribution or
12 adjustment of such cost upon the lots or real estate in such district
13 benefited by such improvement. All assessments made for sewerage, ~~or~~
14 drainage, or water purposes shall be collected as special assessments and
15 shall be subject to the same penalty as other special assessments. If
16 sewers, drainage, or water systems or mains are constructed and any
17 assessments to cover the costs thereof shall be declared void, or doubts
18 exist as to the validity of such assessment, the mayor and city council,
19 for the purpose of paying the cost of such improvement, may make a
20 reassessment of such costs on lots and real estate lying and being within
21 the ~~sewerage~~ district in which such improvements ~~sewer~~ may be situated,
22 to the extent of the benefits to such property by reason of such
23 improvements ~~improvement~~. Such reassessment shall be made substantially
24 in the manner provided for making original special assessments as
25 provided in this section. Any sums which may have been paid toward such
26 improvement upon any lots or real estate included in such assessment
27 shall be applied under the direction of the city council to the credit of
28 the persons and property on account of which the sums were paid. If the
29 credits exceed the sum reassessed against such persons and property, the
30 city council shall cause such excess, with lawful interest, to be
31 refunded to the party who made payment thereof. The sums so reassessed

1 and not paid under a prior special assessment shall be collected and
2 enforced in the same manner and be subject to the same penalty as other
3 special assessments.

4 Sec. 123. Section 16-672.01, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 16-672.01 Supplemental to any existing law on the subject, whenever
7 the mayor and city council of any city of the first class ~~in Nebraska,~~
8 shall deem it advisable or necessary to construct storm water sewers and
9 appurtenances in any section of the city and the extraterritorial zoning
10 jurisdiction of the city as established pursuant to section ~~16-901~~
11 ~~16-902~~, together with outlets for such storm water sewers or
12 appurtenances ~~the same~~, the advisability and necessity thereof shall be
13 declared in a proposed ordinance, which ~~ordinance~~ shall state the kinds
14 of pipe proposed to be used, and shall include ~~ement~~ concrete pipe and
15 vitrified clay pipe and any other material deemed suitable and shall
16 state the size or sizes and kinds of sewers proposed to be constructed
17 and shall designate the location and terminal points thereof. The
18 ordinance shall refer to the plans and specifications thereof which shall
19 have been made and filed with the city ~~municipal~~ clerk by the city
20 engineer before publication of such ordinance. ~~The~~ Such city engineer
21 shall also make and file, prior to the publication of such ordinance, an
22 estimate of the total cost of the proposed improvement, which shall be
23 stated in the ordinance. The mayor and city council shall have power to
24 assess, to the extent of special benefits, the cost of such portions of
25 the improvements as are local improvements, upon properties found
26 specifically benefited. ~~The thereby; and the~~ ordinance shall state the
27 outer boundaries of the district or districts in which it is proposed to
28 make special assessments.

29 Sec. 124. Section 16-672.02, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 16-672.02 Notice of the time when any ~~such~~ ordinance as provided in

1 section 16-672.01 shall be set for consideration before the mayor and
2 city council shall be given by at least two publications in a legal
3 newspaper ~~published in or the city, or published in the county in which~~
4 ~~said city is located~~ and of general circulation in such ~~said~~ city, which
5 publication shall state the entire wording of the ordinance. The last
6 publication shall be not less than five days nor more than two weeks
7 prior to the time set for the hearing of objections to the passage of any
8 such ordinance, at which hearing the owners of real property located in
9 such ~~said~~ improvement district and which might become subject to
10 assessment for the cost of the contemplated improvement may appear and
11 make objections to the improvement. Thereafter the ordinance may be
12 amended and passed or passed as proposed.

13 Sec. 125. Section 16-672.03, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 16-672.03 If a written protest signed by owners of the property
16 located in an ~~said~~ improvement district provided in section 16-672.01 and
17 representing a majority of the front footage which may become subject to
18 assessment for the cost of the improvement, be filed with the city
19 ~~municipal~~ clerk within three days before the date of the meeting for the
20 consideration of such ordinance, such ordinance shall not be passed.

21 Sec. 126. Section 16-672.04, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 16-672.04 Upon compliance with sections 16-672.01 to 16-672.03, the
24 mayor and city council may, by ordinance, order the making and
25 construction of the improvements provided for in section 16-672.01. To
26 adopt such ordinance, a majority of the whole number of members elected
27 to the city council shall be required. If ; Provided, that if the vote is
28 ~~be~~ a tie, the mayor may vote to break such tie.

29 Sec. 127. Section 16-672.05, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 16-672.05 After ordering ~~any~~ such improvements as provided in

1 section 16-672.01, the mayor and city council may enter into a contract
2 for the construction of the improvements ~~same~~ in one or more contracts,
3 but no work shall be done or contract let, if the estimated cost of the
4 improvements, as determined by the city engineer, is in excess of two
5 thousand dollars, until notice to contractors has been published once
6 each week for three weeks in a legal newspaper published in or of general
7 circulation in the city, ~~or if there be no newspaper published in said~~
8 ~~city, then in some newspaper of general circulation published in the~~
9 ~~county wherein such city is located.~~ The notice shall state the extent of
10 the work, and the kind of materials to be bid upon, including in such
11 notice all kinds of material mentioned in the ordinance specified in
12 section 16-672.01, and the time when bids will be received, and may set
13 forth the amount of the engineer's estimate of the cost of such
14 improvements. The work provided for in sections 16-672.01 to 16-672.11,
15 shall be done under a written contract with the lowest responsible bidder
16 on the material selected after the bids are opened and in accordance with
17 the requirements of the plans and specifications. The mayor and city
18 council may reject any or all bids received and advertise for new bids in
19 accordance with this section ~~herewith~~.

20 Sec. 128. Section 16-672.06, Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 16-672.06 After the completion of ~~any such~~ work in the construction
23 of ~~said~~ public improvements as provided in section 16-672.05, the city
24 engineer shall file with the city ~~municipal~~ clerk a certificate of
25 acceptance, which acceptance shall be approved by the mayor and city
26 council by ordinance. The mayor and city council shall then require the
27 city engineer to make a complete statement of all the costs of such
28 improvement and a plat of the property in the storm water sewer district
29 and a schedule of the amount proposed to be assessed against each
30 separate parcel of real property in such district, which shall be filed
31 with the city ~~municipal~~ clerk within ten days from the date of the

1 acceptance of the work. The mayor and city council shall then order the
2 clerk to give notice that the said plat and schedules are on file in his
3 or her office and that all objections thereto, or to prior proceedings on
4 account of errors, irregularities, or inequalities, not made in writing
5 and filed with the city municipal clerk within twenty days after the
6 first publication of the said notice shall be deemed to have been waived.
7 Such notice shall be given by two publications in a legal newspaper
8 ~~published in or said city or if there be no newspaper published in said~~
9 ~~city then in some newspaper~~ of general circulation ~~published~~ in the
10 ~~county wherein the city is located~~, and by notices posted in three
11 conspicuous places in such ~~said~~ storm water sewer district. Such ~~Said~~
12 notice shall state the time and place where objections, filed as herein
13 provided, shall be considered by the mayor and city council.

14 Sec. 129. Section 16-672.07, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 16-672.07 The hearing on the proposed assessments shall be held by
17 the mayor and city council sitting as a board of adjustment and
18 equalization, at the time and place specified in such notice which shall
19 not be less than twenty days nor more than thirty days after the date of
20 the first publication, unless adjourned. Such session may be adjourned,
21 with provisions for proper notice of such adjournment. At such meeting,
22 the proposed assessment shall be adjusted and equalized with reference to
23 benefits resulting from the improvement and shall not exceed such
24 benefits. If ~~;~~ ~~Provided,~~ ~~if~~ any special assessment be payable in
25 installments, each installment shall draw interest payable annually or
26 semiannually from the date of levy until due. Any delinquent installments
27 shall draw interest at the rate specified in section 45-104.01, as such
28 rate may from time to time be adjusted by the Legislature, from the date
29 of delinquency until paid.

30 Sec. 130. Section 16-672.08, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 16-672.08 After the equalization of ~~such~~ special assessments as
2 ~~herein~~ required under section 16-672.07, the special assessments ~~same~~
3 shall be levied by the mayor and city council upon all lots or parcels of
4 real property within the storm water sewer district, specifically
5 benefited by reason of the said improvement. The special assessment ~~same~~
6 may be relieved if, for any reason, the levy thereof is void or not
7 enforceable and in an amount not exceeding the previous levy. Such levy
8 shall be enforced as special assessments for street improvements are
9 enforced in cities of the first class, and any payments thereon, made
10 under previous levies, shall be credited to the property involved. All
11 assessments made for such purposes shall be collected in the same manner
12 as general taxes and shall be subject to the same penalties.

13 Sec. 131. Section 16-672.11, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 16-672.11 For the purpose of paying the cost of the public
16 improvements as provided in sections 16-672.01 to 16-672.11, the mayor
17 and city council of any ~~such~~ city of the first class, after such
18 improvements have been completed and accepted, shall have the power to
19 issue negotiable bonds of the ~~any such~~ city to be called storm water
20 sewer district bonds, payable in not exceeding twenty years and bearing
21 interest payable annually, which may either be sold by the city or
22 delivered to the contractor in payment for the work, but in either case
23 for not less than their par value. For the purpose of making partial
24 payments as the work progresses, warrants may be issued by the mayor and
25 city council upon certificates of the engineer in charge, showing the
26 amount of work completed and materials necessarily purchased and
27 delivered for the orderly and proper continuance of the project, in a sum
28 not exceeding ninety-five percent of the cost thereof, and upon the
29 completion and acceptance of the work, a final warrant may be issued for
30 the balance due the contractor, which warrants shall be redeemed and paid
31 upon the sale of the bonds issued and sold as provided in this section.

1 The city shall pay to the contractor interest at the rate of eight
2 percent per annum on the amounts due on partial and final payments
3 beginning forty-five days after the certification of the amounts due by
4 the engineer in charge and approval by the city council ~~governing body~~
5 and running until the date that the warrant is tendered to the
6 contractor. All special assessments which may be levied upon property
7 specially benefited by such work or improvements in any such storm water
8 sewer district shall, when collected, be set aside and placed in a
9 sinking fund for the payment of the interest and principal of the bonds.
10 There shall be levied annually upon all of the taxable property in the
11 city a tax which, together with such sinking fund derived from special
12 assessments collected, shall be sufficient to meet payments of interest
13 and principal on the bonds as the same become due. Such tax shall be
14 known as the storm water sewer tax, shall be payable annually, shall be
15 collected in the same manner as general taxes, and shall be subject to
16 the same penalties.

17 Sec. 132. Section 16-676, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-676 Where the amount of money which would be raised by the tax
20 levy provided for in section 16-675 would be insufficient to establish or
21 pay for a system of waterworks, gas, electric, or other light works, or
22 heating or power system, the mayor and city council may borrow money and
23 pledge the property and credit of the city upon its negotiable bonds or
24 otherwise to an amount not exceeding two hundred and fifty thousand
25 dollars for the purpose of establishing, constructing, extending,
26 enlarging, or paying for, or maintaining the utilities named in this
27 section. No ; ~~Provided, that~~ no such bonds shall be issued by the city
28 council until the question of issuing the bonds ~~same~~ shall have been
29 submitted to the electors of the city at an election held for such
30 purpose, notice of which shall have been given by publication once each
31 week for three successive weeks prior thereto in a legal newspaper

1 ~~published~~ in or of general circulation in such city, and a majority of
2 the electors voting upon the proposition shall have voted in favor of
3 issuing such bonds. However, no election shall be called until a petition
4 signed by at least fifty resident property owners ~~freeholders~~ shall be
5 presented to the mayor and city council asking that an election be called
6 for the purpose herein specified.

7 Sec. 133. Section 16-677, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-677 When ~~such~~ bonds shall have been issued by the city as
10 provided under section 16-676, the mayor and city council shall have
11 power to levy annually upon all taxable property of the city such tax as
12 may be necessary for a sinking fund for the payment of accruing interest
13 on such bonds and the principal thereof at maturity, and to provide for
14 the office of water commissioner, power commissioner, light commissioner,
15 or heat commissioner, and to prescribe the powers and duties of such
16 officers.

17 Sec. 134. Section 16-678, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-678 Nothing contained in sections 16-673 to 16-677 shall change
20 or in any way affect existing franchises or existing contracts between
21 any city and any company, corporation, or individual for furnishing the
22 city or its inhabitants with light, power, heat, or water. The mayor and
23 city council shall levy a sufficient tax to pay for such light, power,
24 heat, or water supply in accordance with the terms of such existing
25 contracts, not exceeding four and nine-tenths cents on each one hundred
26 dollars upon the taxable value of all the taxable property in such city
27 in any one year for any one of the purposes.

28 Sec. 135. Section 16-679, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-679 The mayor and city council shall have power (a) to require
31 every individual or private corporation operating such works or plants,

1 subject to reasonable rules and regulations, to furnish any person
2 applying therefor, along the line of its pipes, mains, wires, or other
3 conduits, with gas, water, power, light, or heat, and to supply such ~~said~~
4 city with water for fire protection, and with gas, water, power, light,
5 or heat, for other necessary public or private purposes, (b) ÷ to
6 regulate and fix the rents or rates of water, power, gas, electric light,
7 or heat, ÷ and (c) to regulate and fix the charges for water meters,
8 power meters, gas meters, electric light, or heat meters, or other device
9 or means necessary for determining the consumption of water, power, gas,
10 electric light, or heat. These powers shall not be abridged by ordinance,
11 resolution, or contract.

12 Sec. 136. Section 16-680, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-680 The mayor and city council shall have power to borrow money
15 and pledge the property and credit of the city upon its negotiable bonds
16 or otherwise in an amount not exceeding in the aggregate four hundred
17 thousand dollars for the purpose of constructing or aiding in the
18 construction of a system of sewerage. The city ~~They~~ may borrow money and
19 pledge the property and credit of the city upon its negotiable bonds or
20 otherwise in any amount, not exceeding in the aggregate seven hundred
21 fifty thousand dollars, for the purpose of constructing culverts and
22 drains for the purpose of deepening, widening, straightening, walling,
23 filling, covering, altering, or changing the channel of any watercourse
24 or any natural or artificial surface waterway or any creek, branch,
25 ravine, ditch, draw, basin, or part thereof flowing or extending through
26 or being within the limits of the city and for the purpose of
27 constructing artificial channels or covered drains sufficient to carry
28 the water theretofore flowing in such watercourse and divert it from the
29 natural channel and conduct the water ~~same~~ through such artificial
30 channel or covered drain and fill the old channel. The city ~~They~~ may
31 borrow money and pledge the property and credit of the city upon its

1 negotiable bonds or otherwise in an amount not exceeding in the aggregate
2 two hundred fifty thousand dollars for the purpose of constructing,
3 maintaining, and operating a system of waterworks for the city. No such
4 bonds shall be issued by the city council until the question of issuing
5 the bonds same has been submitted to the electors of the city at an
6 election called and held for that purpose, notice of which shall be given
7 by publication in a legal some newspaper in or of general circulation
8 ~~published~~ in the city at least thirty days before the date of the
9 election, and a majority of the electors voting upon the proposition have
10 voted in favor of issuing such bonds. When any such bonds have been
11 issued by the city, the city they may levy annually upon all taxable
12 property of the city such tax as may be necessary for a sinking fund for
13 the payment of the accruing interest upon the bonds and the principal
14 thereof at maturity. The city They may provide for the office of sewer
15 commissioner or water commissioner and prescribe the duties and powers of
16 such offices.

17 Sec. 137. Section 16-681, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-681 Any city of the first class ~~Such city~~ owning, operating or
20 maintaining its own gas, water, power, light, or heat system, shall
21 furnish any person applying therefor, along the line of its pipes, mains,
22 wires or other conduits, subject to reasonable rules and regulations,
23 with gas, water, power, light, or heat. Such city ~~It~~ shall regulate and
24 fix the rental or rate for gas, water, power, light, or heat, and
25 regulate and fix the charges for water meters, power meters, gas meters,
26 light meters, or heat meters or other device or means necessary for
27 determining the consumption of gas, water, power, light, or heat. Such
28 city ~~It~~ shall require water meters, gas meters, light meters, power
29 meters, or heat meters to be used, or other device or means necessary for
30 determining the consumption of gas, water, power, light, or heat.

31 Sec. 138. Section 16-682, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-682 Any city of the first class operating a municipal utility
3 under section 16-681 ~~Such cities~~ shall have the right and power to tax,
4 assess, and collect from the inhabitants of the city thereof such rent or
5 rents for the use and benefit of water, gas, power, light, or heat used
6 or supplied to them by such waterworks, mains, pump, or extension of any
7 system of waterworks, or water supply, or by such gas, light, or heat
8 system, as the city council shall by ordinance deem just or expedient.
9 With respect to water rates, taxes, or rents only, such water rates,
10 taxes, or rents, when delinquent, shall be a lien upon the premises or
11 real estate upon or for which the water same is used or supplied; and
12 such water taxes, rents, or rates shall be paid and collected and such
13 lien enforced in such manner as the city council ~~or commission, as the~~
14 ~~case may be,~~ shall by ordinance direct and provide. Any delinquent water
15 rentals which remain unpaid for a period of three months after they
16 become due may be, by resolution of the city ~~said council or commission,~~
17 assessed against such ~~said~~ real estate as a special assessment, which
18 such ~~said~~ special assessment shall be certified by the city clerk to the
19 county clerk of the county in which the ~~said~~ city is situated. The ~~Said~~
20 county clerk shall ~~thereupon~~ place such special assessments ~~same~~ on the
21 tax rolls for collection, subject to the same penalties and to be
22 collected in like manner as other city taxes. The ~~;~~ ~~Provided, that the~~
23 ~~local governing body of said city~~ council shall notify in writing
24 nonoccupying owners of premises or their agents whenever their tenants or
25 lessees are sixty days delinquent in the payment of water rent.
26 Thereafter, if the owner of such ~~said~~ real estate or his or her agent
27 within the ~~such~~ city shall notify the city council ~~or commission~~ in
28 writing to discontinue water service to the ~~said~~ real estate or the
29 occupants thereof, it shall be the duty of the officer in charge of the
30 water department promptly to discontinue such ~~said~~ service, ~~;~~ and rentals
31 for any water furnished to the occupants of such ~~said~~ real estate in

1 violation of ~~such said~~ notice shall not be a lien thereon.

2 Sec. 139. Section 16-683, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-683 Before submitting any proposition for borrowing money for any
5 ~~either~~ of the purposes mentioned in sections 16-673, 16-674, and 16-680,
6 the mayor and city council shall determine upon and adopt a system of
7 sewerage, waterworks, heating, lighting, or power, as the case may be,
8 and shall determine upon and adopt a plan for constructing drains or
9 culverts, or for doing other work upon or in connection with watercourses
10 or waterways as authorized in section 16-680. The mayor and city council
11 ~~They~~ shall procure from the city engineer an estimate of the actual cost
12 of such system, an estimate of the cost of so much thereof as the mayor
13 and city council may propose to construct with the amount proposed to be
14 borrowed, and plans of such system. The estimate shall be placed and
15 remain in the hands of the city clerk, subject to public inspection
16 during all the times such proposition to borrow money shall be pending.
17 After a system shall have been adopted, no other system or plan shall be
18 adopted in lieu thereof unless authorized by a vote of the people. After
19 construction of any such systems, works, or improvements as are
20 authorized in ~~said~~ sections 16-673, 16-674, and 16-680, the city may by
21 vote of the people issue bonds to construct extensions, additions, or
22 enlargements thereof, but not to exceed one hundred twenty-five thousand
23 dollars in any one year, and the total amount of outstanding bonded
24 indebtedness of any such city for the initial construction of any such
25 systems, works, or improvements and for the construction of extensions,
26 additions, and enlargements thereof shall not exceed the respective
27 aggregate limitations of amount imposed under section 16-680.

28 Sec. 140. Section 16-684, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-684 When a ~~the~~ system of waterworks or sewerage, power, heating,
31 lighting, or drainage shall have been adopted as provided under sections

1 ~~16-680 to 16-683~~ , and the people shall have voted to borrow money to aid
2 ~~in the construction as aforesaid~~, the mayor and city council may erect
3 and construct and maintain such system of waterworks or sewerage or power
4 plant, lighting, heating, or drainage, either within or without the
5 corporate limits of the city, make all needful rules and regulations
6 concerning their use, and do all acts necessary for their the
7 construction, completion, and management, and control of ~~same~~ not
8 inconsistent with law, including the taking of private property for the
9 public use for their the construction and operation ~~of the same~~. The
10 procedure to condemn property shall be exercised in the manner set forth
11 in sections 76-704 to 76-724, except as to property specifically excluded
12 by section 76-703 and as to which sections 19-701 to 19-707 are
13 applicable.

14 Sec. 141. Section 16-684.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 16-684.01 After the establishment of a system of waterworks in any
17 city of the first class, the mayor and city council may expend any
18 accumulated reserve funds in its water department for the purpose of
19 laying and relaying water mains and the installation of water equipment
20 for fire protection. The city shall have the power and authority to
21 employ the necessary labor therefor without the necessity of advertising
22 for bids or of letting a contract or contracts therefor.

23 Sec. 142. Section 16-686, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-686 Any said city of the first class is hereby authorized and
26 empowered, for the purpose of carrying out the provisions of sections
27 16-684 and 19-2701, to construct, maintain and operate the necessary
28 rural transmission and distribution lines for a distance of eighteen
29 miles from the corporate limits of such said city upon, along and across
30 any of the public highways of this state under the conditions and
31 provisions prescribed by law for the construction of electric

1 transmission and distribution lines to persons, firms, associations, or
2 corporations. Before the construction of any such rural electric
3 transmission or distribution lines shall be undertaken, such city shall
4 enter into contracts for electric service with persons, firms,
5 associations, or corporations to be served at rates which will produce an
6 annual gross revenue to such city equal to not less than fifteen percent
7 of the cost of such ~~said~~ construction. Such city shall thereafter adjust
8 such rates when necessary to produce such gross revenue.

9 Sec. 143. Section 16-686.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 16-686.01 Any city of the first class owning and operating a natural
12 gas distribution system within such city, and owning and operating its
13 own lateral supply line from its distribution system to a natural gas
14 pipeline source of supply, may by ordinance, where such lateral supply
15 line is so located with reference to any cities of the second class
16 ~~second-class cities~~ or villages within twenty miles of such city not then
17 being supplied with natural gas and having no other source of gas supply
18 available, make gas service available at retail to such municipalities
19 and for that purpose construct, operate, and maintain connecting lines to
20 and natural gas distribution systems in the municipalities. Such ÷
21 ~~Provided, that such~~ city prior to the construction of such facilities and
22 the rendering of such service, shall secure from the respective
23 municipalities to be served a natural gas franchise as provided by law.

24 Sec. 144. Section 16-687, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-687 If bonds to finance the construction or acquisition of
27 waterworks, gas, electric, or other light works, or heating or power
28 system, by the city are not approved under sections 16-676 or 16-680 to
29 16-683, or if the city fails ~~In case such aids shall not be voted by the~~
30 ~~people in the manner aforesaid, or having voted bonds and constructed a~~
31 ~~system of waterworks and having failed to obtain an adequate supply of~~

1 good water, then the mayor and city council may contract with and procure
2 individuals or corporations to construct and maintain a system of
3 waterworks, power, heating, or lighting plant in such city for any time
4 not exceeding twenty years from the date of the contract, with a
5 reservation to the city of the right to purchase such waterworks,
6 lighting, heating, or power plant at any time after the lapse of ten
7 years from the date of the contract upon payment to such individuals or
8 corporations of any amount to be determined from the contract, not
9 exceeding the cost of the construction of such waterworks, power,
10 lighting, or heating plant. In other respects such contract may be on
11 such terms as may be agreed upon by a two-thirds vote of the city
12 council. ~~No , entered upon the minutes; Provided, that no~~ such contract
13 shall be made unless authorized by a majority vote of the legal voters of
14 such city at a special election called for that purpose, notice of which
15 shall be given by publication once each week for three successive weeks
16 prior thereto in a legal newspaper ~~published~~ in or of general circulation
17 in such city.

18 Sec. 145. Section 16-688, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-688 When any city of the first class has approved ~~voted~~ bonds and
21 constructed a system of waterworks and obtained an adequate supply of
22 water but the water ~~same~~ is turbid or unwholesome during the whole or a
23 portion of the year, the mayor and city council may without having
24 previously made an appropriation therefor, when authorized by a majority
25 vote of the electors voting on the question, which may be submitted at
26 either a special or a general city election, construct, purchase, or
27 enter into a contract for the construction or purchase of and install,
28 establish, operate, and maintain a system of settling reservoirs, ~~or~~ a
29 system of filters, or both ~~of such systems of settling reservoirs and~~
30 ~~filters~~, for the purpose of clarifying and purifying such water. Notice
31 of such election shall be given by publication once each week three

1 successive weeks prior thereto in a legal newspaper ~~published~~ in or of
2 general circulation in such city. The city may levy taxes on all taxable
3 property of such city, not to exceed three and five-tenths cents on each
4 one hundred dollars upon the taxable value thereof in any one year for
5 the payment of the cost thereof.

6 Sec. 146. Section 16-691, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-691 The mayor and city council may by ordinance confer upon the
9 board of public works the active direction and supervision of the city's
10 ~~such~~ system of waterworks, power plant, or sewerage, heating, or lighting
11 plant and the erection and construction of such system ~~the same~~. The
12 board may provide that such duties be performed by such employee or
13 employees as it may direct. The city council shall approve the budget of
14 each proprietary function as provided in the Municipal Proprietary
15 Function Act. The board shall make reports to the mayor and city council
16 as often as the mayor and city council may require. In like manner the
17 mayor and city council may confer upon such board the active direction
18 and supervision of the system of streets and alleys.

19 The mayor and city council may, by ordinance, authorize and empower
20 the board of public works to employ necessary laborers and clerks, to
21 purchase material for the operation and maintenance of the systems, and
22 to draw its orders on the several funds in the hands of the city
23 treasurer to the credit of the various systems in payment of salaries,
24 labor, and material. The mayor and city council shall establish the
25 dollar amount for all extensions and projects above which the board of
26 public works must obtain the approval of the mayor and city council
27 before expending funds. The mayor and city council may, by ordinance,
28 authorize and empower the board of public works to cooperate and
29 participate in a plan of insurance designed and intended for the benefit
30 of the employees of any public utility operated by the city. For that
31 purpose the board of public works may make contributions to pay premiums

1 or dues under such plan, authorize deductions from salaries of employees,
2 and take such other steps as may be necessary to effectuate such plan of
3 insurance. All orders for the disbursement of funds shall be signed by
4 the chairperson and secretary of the board or by any two members of the
5 board who have previously been designated for that purpose by a
6 resolution duly adopted by such board and shall be paid by the city
7 treasurer, except that payroll checks only may be signed by any one
8 member of the board who has previously been designated for that purpose
9 by a resolution duly adopted by the board. Facsimile signatures of board
10 members may be used to sign such orders and checks.

11 Sec. 147. Section 16-691.01, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 16-691.01 Any surplus funds remaining in the hands of the city
14 treasurer, to the credit of such ~~said~~ various funds, may be invested by
15 the board of public works, with the approval of the mayor and city
16 council, in accordance with the provisions of sections 16-712, 16-713,
17 and 16-715, in interest-bearing securities of the State of Nebraska or
18 any political subdivision thereof, certificates of deposit of banks which
19 are members of the Federal Deposit Insurance Corporation, or in interest-
20 bearing securities of the United States upon an order for that purpose
21 drawn by the board of public works upon the city treasurer. Such
22 securities may be purchased, sold, or hypothecated by the board of public
23 works with the approval of the mayor and city council, at their fair
24 market value, and the interest earned by such securities shall be
25 credited to the account of the utility from which the funds paid for the
26 securities were originally drawn. In ; ~~Provided, in~~ cities which have not
27 conferred upon any board of public works the active direction and
28 supervision of the city's ~~such~~ system of waterworks, power plant,
29 sewerage, and heating or lighting plant, the powers and duties hereby
30 conferred upon the board of public works as to the purchase, sale, and
31 hypothecation of such ~~said~~ securities shall be exercised by the city

1 ~~treasurer of such city.~~ Securities so purchased shall be held by the city
2 treasurer, who shall provide adequate bond for their safekeeping. When
3 sold, the treasurer shall deliver such securities ~~the same~~ to the
4 purchaser and collect the sale price.

5 Sec. 148. Section 16-691.02, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 16-691.02 The mayor and city council of any city of the first class
8 may, by resolution, direct and authorize the city treasurer to dispose of
9 the surplus electric light, water, or natural gas distribution system
10 funds, or the funds arising from the sale of electric light and water
11 properties, by the payment of outstanding electric light, water, or
12 natural gas distribution system warrants or bonds then due and by the
13 payment of all current amounts required in any revenue bond ordinance in
14 which any part of the earnings of the electric light or water utility or
15 natural gas distribution system are pledged. The excess, if any, after
16 such payments, may be transferred to the general fund of such city at the
17 conclusion of the fiscal year.

18 Sec. 149. Section 16-692, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-692 No member of the city council or the mayor shall be eligible
21 to the office of water commissioner during the term for which he or she
22 shall be elected.

23 Sec. 150. Section 16-693, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-693 When any bonds shall have been issued by the city for the
26 purpose of constructing or aiding in the construction of a system of
27 waterworks, power plant, sewerage, heating, lighting or drainage, there
28 shall thereafter be levied annually upon all taxable property of such
29 ~~said~~ city a tax not exceeding seven cents on each one hundred dollars for
30 every twenty thousand dollars of bonds so issued, which shall be known as
31 the waterworks tax, power tax, sewerage tax, heat tax, light tax or

1 drainage tax, as the case may be, and shall be payable only in money. The
2 proceeds of such tax, together with all income received by the city from
3 the payment and collection of water, power, heat or light, rent, taxes,
4 and rates of assessments, shall first be applied to the payment of the
5 current expenses of waterworks, power plant, heating or lighting, to
6 improvements, extensions, and additions thereto, and interest on money
7 borrowed and bonds issued for their construction. The surplus, if any,
8 shall be retained for a sinking fund for the payment of such loan or
9 bonds at maturity.

10 Sec. 151. Section 16-694, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 16-694 After the establishment of a system of sewerage in any city
13 of the first class, the mayor and city council may, at the time of
14 levying other taxes for city purposes, levy an annual tax of not more
15 than three and five-tenths cents on each one hundred dollars upon the
16 taxable value of all the taxable property in such city for the purpose of
17 creating a fund to be used exclusively for the maintenance and repairing
18 of any sewers in such city. In lieu of the levy of a tax, the mayor and
19 city council may establish, by ordinance, such rates for such sewer
20 service as may be deemed by them to be fair and reasonable, to be
21 collected from either the owner or the person, firm, or corporation
22 requesting the service at such times, either monthly, quarterly, or
23 otherwise, as may be specified in the ordinance. All such sewer charges
24 shall be a lien upon the premises or real estate for which the sewer
25 service ~~same~~ is used or supplied. Such lien shall be enforced in such
26 manner as the city council ~~local governing body~~ provides by ordinance.
27 The charges thus made, when collected, shall be placed in a separate fund
28 and used exclusively for the purpose of maintenance and repairs of any
29 sewers in such city.

30 Sec. 152. Section 16-695, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 16-695 The mayor and city council of any city of the first class are
2 hereby authorized to acquire by purchase or otherwise and hold in the
3 name of the city, lands, lots, or grounds within or without the limits of
4 the city to be used and improved for parks, parkways, or boulevards. To
5 pay for and improve such lands, lots, or grounds, the mayor and city
6 ~~council of such city~~ are authorized to issue bonds for such purposes,
7 except that no such bonds shall be issued until the question of issuing
8 such bonds ~~the same~~ shall have been submitted to the electors of the
9 city, at a general election therein, or at a special election appointed
10 and called by the mayor and city council for such purposes, and a
11 majority of electors voting at such election shall have voted in favor of
12 issuing the bonds. Notice of such election shall be given by publication
13 once each week for three successive weeks prior thereto in a legal
14 newspaper ~~published~~ in or of general circulation in such city. Such bonds
15 shall be payable in not to exceed twenty years from the date of issuance
16 thereof, and shall bear interest payable annually or semiannually, with
17 interest coupons attached to the bonds. The mayor and city council may at
18 their discretion construct in any park a swimming pool, stadium, or other
19 facilities for public use and recreation and pay for such facilities ~~the~~
20 ~~same~~ out of the proceeds ~~avails~~ of such bonds.

21 Sec. 153. Section 16-696, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-696 (1) In each ~~such~~ city of the first class, which acquires land
24 for a park or parks, there may be a board of park commissioners, who
25 shall have charge of all the parks belonging to the city, with power to
26 establish rules for the management, care, and use of the same. The board
27 of park commissioners shall be composed of not less than three members,
28 but the total number shall be evenly divisible by three, who shall be
29 residents of the city. In the event of a tie vote, the motion under
30 consideration shall fail to be adopted. They shall be appointed by the
31 mayor and city council at their first regular meeting in January each

1 year except for the original board which may be appointed any time. At
2 the time of the first appointment, one-third of the number to be
3 appointed shall be appointed for a term of one year, one-third for a term
4 of two years, and the rest shall be appointed for a term of three years,
5 which term shall be computed from the first meeting in the preceding
6 January. After the appointment of the original board it shall be the duty
7 of the mayor and city council to appoint or reappoint one-third of the
8 board each year for a term of three years to commence at the time of
9 appointment at the first meeting in January. Each member shall serve
10 until his or her successor is appointed and qualified. A vacancy
11 occurring on such board by death, resignation, or disqualification of a
12 member shall be filled for the remainder of such term at the next regular
13 meeting of the city council. A majority of all the members of the board
14 of park commissioners shall constitute a quorum. It shall be the duty of
15 the board of park commissioners to lay out, improve, and beautify all
16 grounds owned or acquired for public parks, and employ helpers and
17 laborers as may be necessary for the proper care and maintenance of such
18 parks, and the improvement and beautification thereof, to the extent that
19 funds may be provided for such purposes. The members of the board, at its
20 first meeting in each year, shall elect one of their own members as
21 chairperson of such board. Before entering upon his or her duties each
22 member of the board shall take an oath, to be filed with the city clerk,
23 that he or she will faithfully perform the duties of the office and will
24 not in any manner be actuated or influenced therein by personal or
25 political motives.

26 (2) The board of park commissioners may also be constituted by the
27 mayor and city council as an ex officio recreation board. When so
28 constituted, such recreation board shall have the duty and authority to
29 promote, manage, supervise, and control all recreation activities
30 supported financially by such city to the extent funds are available.

31 (3) The mayor and city council ~~of such city~~ may abolish the board of

1 park commissioners, if one has been appointed as provided in this
2 section, and may establish a board of park and recreation commissioners,
3 who shall have charge of all parks belonging to the city and all
4 recreational activities supported financially by the city, with power to
5 establish rules for the management, care, supervision, and use of such
6 parks. The board of park and recreation commissioners shall be appointed
7 to such terms of office and in such numbers as provided in this section
8 for appointment of a board of park commissioners. It shall be the duty of
9 the board of park and recreation commissioners to lay out, improve,
10 beautify, and design all grounds, bodies of water, and buildings owned or
11 acquired for public parks and recreational facilities, and employ such
12 persons as may be necessary for the proper direction, care, maintenance,
13 improvement, and beautification thereof, and for program planning and
14 leadership of recreational activities, to the extent that funds may be
15 provided for such purposes. The board shall also have the duty of
16 continued study and promotion of the needs of such city for additional
17 park and recreational facilities. Members of the board of park and
18 recreation commissioners at its first meeting in each year shall elect
19 one of its own members as chairperson of the board. Before entering upon
20 his or her duties each member of the board shall take an oath, to be
21 filed with the city clerk, that he or she will faithfully perform the
22 duties of the office and will not in any manner be actuated or influenced
23 therein by personal or political motives.

24 Sec. 154. Section 16-697, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-697 (1) For the purpose of (a) providing funds for amusements and
27 recreation, (b) providing funds for laying out, purchasing, improving,
28 and beautifying parks and public grounds, and (c) providing for the
29 payment of the salaries and wages of employees of the such board of park
30 commissioners or the board of park and recreation commissioners, the
31 mayor and city council shall, each year at the time of making the levy

1 for general city purposes, make a levy upon the taxable value of all the
2 taxable property in such city. Such levy shall be collected and paid into
3 the city treasury and shall constitute the park fund or park and
4 recreation fund as the case may be.

5 (2) All accounts against the park fund or park and recreation fund
6 of such city, provided for by subsection (1) of this section, for
7 salaries and wages of the employees and all other expenses of such parks
8 or recreational facilities shall be audited and allowed by the park or
9 park and recreation commissioners. All warrants thereon shall be drawn
10 only by the chairperson of the commissioners. Warrants so drawn shall be
11 paid by the city treasurer out of such fund.

12 (3) The park or park and recreation commissioners of such city, as
13 the case may be, shall enter into any contracts of any nature involving
14 an expenditure in accordance with the policies of the city council.

15 (4) The chairperson of the board of park or park and recreation
16 commissioners shall, on January 1 and July 1 of each year, file with the
17 city clerk an itemized statement of all the expenditures of the board.

18 Sec. 155. Section 16-697.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 16-697.01 Any city of the first class is hereby authorized and
21 empowered to take land in fee, within or without its corporate limits by
22 donation, gift, devise, purchase or appropriation, and to hold, improve
23 and control such land for parks, recreational facilities, and public
24 grounds. The jurisdiction and police power of the mayor and city council
25 of any city that shall acquire any such real estate shall be at once
26 extended over such real estate ~~the same~~. The mayor and city council shall
27 have power to enact bylaws, rules and ordinances for the protection,
28 preservation and control of any real estate acquired under this section
29 ~~as herein contemplated~~, and provide suitable penalties for the violation
30 of any such bylaws, rules or ordinances.

31 Sec. 156. Section 16-697.02, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 16-697.02 The mayor and city council of any ~~first-class city of the~~
3 first class shall have power to borrow money and pledge the property and
4 credit of the city upon its negotiable bonds or otherwise, for the
5 purpose of purchasing and improving land for parks, recreational
6 facilities, and public grounds, authority therefor having first been
7 obtained by a majority vote of the qualified electors of the city voting
8 on such question at any general city election of such city or at an
9 election called for that purpose, upon a proposition or propositions
10 submitted in the manner provided by law for the submission of
11 propositions to aid in the construction of railroads and other works of
12 internal improvement.

13 Sec. 157. Section 16-698, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 16-698 ~~Any~~ The city of the first class may, by ordinance, (a)
16 purchase and hold grounds for and erect and establish market houses and
17 market places, and regulate and govern such market houses and market
18 places ~~the same~~, (b) ~~and also~~ contract with any person or persons or ~~or~~
19 companies or corporations, for the erection and regulation of such market
20 houses and market places on such terms and conditions and in such manner
21 as the city council may prescribe, and (c) raise all necessary revenue
22 for the purposes provided in this section ~~therefor as herein provided~~.
23 The city council may provide for the erection of all other useful and
24 necessary buildings for the use of the city, and for the protection and
25 safety of all property owned by the city, in connection with such market
26 houses and places. It may locate such market houses, ~~and~~ market places,
27 and buildings ~~aforesaid~~ on any street, alley, or public grounds, or on
28 any land purchased for such purposes, and establish, alter, and change
29 the channel of streams and watercourses within the city, and bridge such
30 streams and watercourses. ~~Any the same; Provided, that any~~ such
31 improvement costing in the aggregate a sum greater than two thousand

1 dollars shall not be authorized until the ordinance providing for the
2 improvement ~~therefor~~ shall first be submitted to and ratified by a
3 majority of the legal voters of such city voting thereon, notice of which
4 shall be given by publication once each week for three successive weeks
5 in a legal newspaper ~~published~~ in or of general circulation in such city.

6 Sec. 158. Section 16-699, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-699 No charge or assessment of any kind shall be made or levied
9 on any ~~wagon or other vehicle, or the horses thereto attached,~~ or on the
10 owner of any such vehicle bringing produce or provisions to any market
11 place in the city, or standing in or occupying a place in any of the
12 market places of the city, or in the street contiguous to such market
13 places ~~thereto~~ on market days. ~~The and evening previous thereto;~~ but the
14 mayor and city council shall have full power to ~~prevent forestalling,~~ to
15 ~~prohibit or regulate huckstering in the streets,~~ to prescribe the kind
16 and description of articles which may be sold, and the stand or place to
17 be occupied by the vendors, and may authorize the immediate seizure, and
18 arrest and removal from the markets of any person violating the ~~their~~
19 regulations as established by ordinance, together with any article of
20 produce in his or her possession, and the immediate seizure and
21 destruction of tainted or unsound meat, provisions, or other articles of
22 food.

23 Sec. 159. Section 16-6,100, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 16-6,100 The mayor and city council shall have the power to borrow
26 money and pledge the property and credit of the city upon its negotiable
27 bonds or otherwise for the purpose of acquiring, by purchasing or
28 constructing, including site acquisition, or aiding in the acquiring of a
29 city hall, jail, auditorium, buildings for the fire department and other
30 public buildings, including the acquisition of buildings authorized to be
31 acquired by Chapter 72, article 14, and including acquisition of

1 buildings to be leased in whole or in part by the city to any other
2 political or governmental subdivision of the State of Nebraska authorized
3 by law to lease such buildings. No such bonds shall be issued until after
4 the same have been authorized by a majority vote of the electors of the
5 city voting on the proposition of their issuance at an election called
6 for the submission of such proposition and of which election notice of
7 the time and place thereof shall have been given by publication in a
8 legal ~~some~~ newspaper in or printed ~~and~~ of general circulation in the city
9 three successive weeks prior thereto. Where ; ~~Provided, that where~~ the
10 building to be acquired is to be used by the State of Nebraska or its
11 agency or agencies under a lease authorized by Chapter 72, article 14, or
12 the building is to be leased by any other political or governmental
13 subdivision of the State of Nebraska or other governmental agencies and
14 where the combined area of the building to be leased by the state or its
15 agency or agencies and the political or governmental subdivision of the
16 State of Nebraska is more than fifty percent of the area of the building
17 and where the cost of acquisition does not exceed two million dollars, no
18 such vote of the electors will be required.

19 Sec. 160. Section 16-6,100.03, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 16-6,100.03 The amount of indebtedness authorized to be incurred by
22 any county or city of the first class for the payment of principal and
23 interest for the bonds authorized by the provisions of sections
24 16-6,100.01 to 16-6,100.07 shall be in addition to and over and above any
25 limits provided ~~now fixed~~ by law.

26 Sec. 161. Section 16-6,100.05, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 16-6,100.05 The building commission shall cause to be prepared
29 building plans and specifications for the joint city-county building, and
30 may employ architects, engineers, draftsmen, and such clerical help as
31 may be deemed necessary for the purpose of preparing such plans and

1 specifications. The compensation of such personnel shall be fixed by the
2 commission and shall be paid in the same proportion as is determined for
3 defraying the cost as set forth in section 16-6,100.02. The contract for
4 erecting the building, for the equipment, and for furnishings shall be
5 let by the commission in the same manner as for other public buildings.
6 The members of the commission shall receive no compensation for their
7 services as members of the commission.

8 Sec. 162. Section 16-6,101, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 16-6,101 Supplemental to any existing law on the subject and in lieu
11 of the issuance of general obligation bonds, or the levying of taxes upon
12 property, as by law provided, any city of the first class may construct,
13 purchase, or otherwise acquire a waterworks plant or a water system, or a
14 gas plant or a gas system, including a natural or bottled gas plant, gas
15 distribution system, or gas pipelines, either within or without the
16 corporate limits of such ~~said~~ city, and real and personal property needed
17 or useful in connection therewith, and pay the cost thereof by pledging
18 and hypothecating the revenue and earnings of any waterworks plant or
19 water system, or a gas plant or a gas system, including a natural or
20 bottled gas plant, gas distribution system or gas pipelines, owned or to
21 be owned by such city. In the exercise of the authority herein granted,
22 any city may issue and sell revenue bonds or debentures and enter into
23 such contracts in connection therewith as may be proper and necessary.
24 Such revenue bonds or debentures shall be a lien only upon the revenue
25 and earnings of the waterworks plant or water system, or a gas plant or a
26 gas system, including a natural or bottled gas plant, gas distribution
27 system, or gas pipelines, owned or to be owned by such city. No such city
28 shall pledge or hypothecate the revenue and earnings of any waterworks
29 plant or water system, or a gas plant or a gas system, including a
30 natural or bottled gas plant, gas distribution system, or gas pipelines,
31 nor issue revenue bonds or debentures, as herein authorized, until the

1 proposition relating thereto has been submitted in the usual manner to
2 the qualified voters of such city at a general or special election and
3 approved by a majority of the electors voting on the proposition
4 submitted. Such ; ~~Provided,~~ such proposition shall be submitted whenever
5 requested, within thirty days after a sufficient petition signed by the
6 qualified voters of such city equal in number to twenty percent of the
7 vote cast at the last general municipal election held therein, shall be
8 filed with the city clerk. Three weeks' notice of the submission of the
9 proposition shall be given by publication in a ~~some~~ legal newspaper
10 ~~published in~~ or and of general circulation in such city, ~~or, if no legal~~
11 ~~newspaper is published therein, then by posting in five or more public~~
12 ~~places therein.~~ The requirement herein for a vote of the electors,
13 however, shall not apply when such city seeks to pledge or hypothecate
14 such revenue or earnings or issues revenue bonds or debentures solely for
15 the maintenance, extension or enlargement of any waterworks plant or
16 water system, or a gas plant or a gas system, including a natural or
17 bottled gas plant, gas distribution system, or gas pipelines, owned by
18 such city.

19 Sec. 163. Section 16-6,102, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-6,102 Notwithstanding any other provision of state law
22 ~~Supplemental to any existing law on the subject,~~ whenever the mayor and
23 city council of any city of the first class shall deem it necessary and
24 advisable to construct sanitary sewer mains or water mains, the mayor and
25 city council ~~such municipal officials~~ may by ordinance passed by not less
26 than three-fourths of all members of the city council, create a district
27 or districts to be known as sanitary sewer connection districts or water
28 connection districts as the case may be, for such purposes and such
29 district or districts may include properties within the corporate limits
30 of the city and within the city's extraterritorial zoning jurisdiction
31 ~~municipality and one mile beyond the same.~~ Such ordinance shall state the

1 size and kind of sewer mains or water mains proposed to be constructed in
2 such district and shall designate the outer boundaries of the district or
3 districts in which it is proposed to construct the sewer mains or water
4 mains.

5 Sec. 164. Section 16-6,103, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-6,103 After ~~the~~ sanitary sewer mains or water mains have been
8 constructed in the districts as provided under section 16-6,102, the cost
9 thereof shall be reported to the city council and the city council,
10 sitting as a board of equalization, shall determine benefits to abutting
11 property. The special benefits as determined by the board of equalization
12 shall not be levied as special assessments against the property within
13 the district but shall be certified in a resolution of the city council
14 to the register of deeds of the county in which the improvement district
15 is constructed. A connection fee in the amount of the benefit accruing to
16 the property in the district shall be paid to the city at the time such
17 property becomes connected to the sewer main or water main. The city
18 shall provide that no property thus benefited by sanitary sewer or water
19 main improvements shall be connected to the sanitary sewer or water mains
20 until the connection fee is paid.

21 Sec. 165. Section 16-6,104, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 16-6,104 For the purpose of paying the cost of any ~~such~~ sanitary
24 sewer mains or water mains constructed in a any ~~such~~ connection district
25 created under section 16-6,102, the mayor and city council may spend
26 funds accumulated in any sanitary sewer or water department surplus funds
27 of the ~~such~~ city. The connection fees collected by any such city for
28 properties connecting to such sanitary sewer mains or water mains shall
29 be paid into the sanitary sewer or water department surplus fund to
30 replenish such funds for the construction costs.

31 Sec. 166. Section 16-6,105, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-6,105 As an alternative to spending surplus funds as provided in
3 section 16-6,104, or to pay for part of the any such construction of
4 sanitary sewer mains or water mains, the mayor and city council may issue
5 revenue bonds. Such revenue bonds shall not impose any general liability
6 upon the city municipality but shall be secured by the revenue received
7 by the city municipality for the operation of the sanitary sewer system
8 or waterworks system, and the amount of connection fees collected by the
9 city municipality for connections to such sanitary sewer mains or water
10 mains. Such revenue bonds shall be sold for not less than par and bear
11 interest at a rate not to exceed the rate of interest specified in
12 section 45-104.01, as such rate may from time to time be adjusted by the
13 Legislature. The amount of such revenue bonds, either issued or
14 outstanding, shall not be included in computing the maximum amount of
15 bonds which the city municipality may be authorized to issue under its
16 charter or any statute of this state.

17 Sec. 167. Section 16-6,107, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-6,107 For carrying out the purposes and powers set forth in
20 section 16-6,106, including payment of the cost thereof, the city may:

21 (1) Borrow money and issue its negotiable general obligation bonds
22 upon such terms and conditions as the mayor and city council may
23 determine, without a vote of the electors;

24 (2) Levy a tax upon all taxable property in the city to pay such
25 bonds and interest thereon and establish a sinking fund for such payment;

26 (3) Issue warrants to contractors and others furnishing services or
27 materials or in satisfaction of other obligations created under section
28 16-6,106, such warrants to be issued in such amounts and on such terms
29 and conditions as the mayor and city council shall determine, which
30 warrants shall be redeemed and paid upon the sale of bonds or receipt of
31 other funds available for such purpose;

1 (4) Receive gifts, grants, and funds from any source, including, but
2 not limited to, state, federal, or private sources; and

3 (5) Cooperate and contract with any other government, governmental
4 agency or political subdivision, whether state or federal, and any person
5 or organization providing funds for the purposes covered by sections
6 16-6,106 to 16-6,109.

7 Sec. 168. Section 16-6,108, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 16-6,108 The powers granted by sections 16-6,106 to 16-6,109 may be
10 exercised in whole or in part and from time to time as the city council
11 may in its discretion determine but before general obligation bonds are
12 issued for the purposes of sections 16-6,106 to 16-6,109, the city
13 council shall hold a public hearing after three weeks' notice published
14 in a legal newspaper in or of general circulation in such city, and the
15 referendum provisions of sections 18-2501 to 18-2536 shall apply to any
16 ordinance or resolution authorizing issuance of such bonds. The program
17 for implementation of the plan may be adopted and carried out in parts,
18 sections, or stages.

19 Sec. 169. Section 16-6,109, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-6,109 The powers granted by sections 16-6,106 to 16-6,109 are
22 independent of and in addition to all other grants of powers on the same
23 or related subjects but may be exercised jointly with or supplemented by
24 the powers granted by existing state law ~~legislation~~, including, but not
25 limited to, sections 16-667 to 16-672.11, 16-680, 16-683, 16-693, 18-401
26 to 18-411, 18-501 to 18-512, 19-1305, 23-320.07 to 23-320.13, and 31-501
27 to 31-553 and the Combined Improvement Act.

28 Sec. 170. Section 16-701, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-701 ~~The In 1995, the fiscal period of each city of the first~~
31 ~~class commences on August 1, 1995, and extends through September 30,~~

1 ~~1996. Thereafter,~~ the fiscal year of each city of the first class and of
2 any public utility of a city of the first class commences on October 1
3 and extends through the following September 30 except as provided in the
4 Municipal Proprietary Function Act.

5 Sec. 171. Section 16-702, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 16-702 (1) Subject to the limits in section 77-3442, the mayor and
8 city council shall have power to levy and collect taxes for all municipal
9 purposes on the taxable property within the corporate limits of the city.
10 All city taxes, except special assessments otherwise provided for, shall
11 become due on the first day of December of each year.

12 (2) At the time provided for by law, the city council shall cause to
13 be certified to the county clerk the amount of tax to be levied for
14 purposes of the adopted budget statement on the taxable property within
15 the city corporation for the year then ensuing, as shown by the
16 assessment roll for such year, including all special assessments and
17 taxes assessed as ~~hereinbefore~~ provided by law. The county clerk shall
18 place the same on the proper tax list to be collected in the manner
19 provided by law for the collection of county taxes in the county where
20 such city is situated.

21 (3) In all sales for delinquent taxes for municipal purposes, if
22 there are other delinquent taxes due from the same person or lien on the
23 same property, the sales shall be for all the delinquent taxes. Such
24 sales and all sales made under and by virtue of this section or the
25 provisions of law herein referred to shall be of the same validity and,
26 in all respects, shall be deemed and treated as though such sale had been
27 made for the delinquent county taxes exclusively.

28 (4) The maximum amount of tax which may be certified, assessed, and
29 collected for purposes of the adopted budget statement shall not require
30 a tax levy in excess of eighty-seven and five-tenths cents on each one
31 hundred dollars upon the taxable value of the taxable property within

1 such city municipality. Any special assessments, special taxes, amounts
2 assessed as taxes, and such sums as may be authorized by law to be levied
3 for the payment of outstanding bonds and debts may be made by the city
4 council in addition to the levy of eighty-seven and five-tenths cents on
5 each one hundred dollars upon the taxable value of the taxable property
6 within such city municipality. The city council may certify a further
7 amount of tax to be levied which shall not require a tax levy in excess
8 of seven cents on each one hundred dollars upon the taxable value of the
9 taxable property within such city for the purpose of establishing the
10 sinking fund or sinking funds authorized by sections 19-1301 to 19-1304,
11 and in addition thereto, when required by section 18-501, a further levy
12 of ten and five-tenths cents on each one hundred dollars upon the taxable
13 value of the taxable property within such city may be imposed.

14 (5) Nothing in this section shall be construed to authorize an
15 increase in the amounts of levies for any specific municipal purpose or
16 purposes elsewhere limited by law, whether limited in specific sums or by
17 tax levies.

18 Sec. 172. Section 16-704, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 16-704 Each city of the first class ~~The city~~ shall adopt a budget
21 statement pursuant to the Nebraska Budget Act, to be termed "The Annual
22 Appropriation Bill", in which the city corporate authorities may
23 appropriate such sums of money as may be deemed necessary to defray all
24 necessary expenses and liabilities of such city corporations.

25 Sec. 173. Section 16-706, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 16-706 The mayor and city council shall not have power to
28 appropriate, issue, or draw any order or warrant on the city treasurer
29 for money, unless the order or warrant same has been appropriated or
30 ordered by ordinance or the claim for the payment of which such order or
31 warrant is issued has been allowed according to sections 16-726 to

1 16-729, and a fund has been provided in the adopted budget statement out
2 of which such claim is payable. Any transfer or diversion of the money or
3 credits from any of the funds to another fund or to a purpose other and
4 different from that for which proposed, except as provided in section
5 16-721, shall render any city council member voting therefor or any
6 officer of the city corporation participating therein guilty of a
7 misdemeanor, and any person shall, upon conviction thereof, be fined
8 twenty-five dollars for each offense, together with costs of prosecution.
9 Should any judgment be obtained against the city corporation, the mayor
10 and finance committee, with the sanction of the city council, may borrow
11 a sufficient amount to pay the judgments same, for a period of time not
12 to extend beyond the close of the next fiscal year, which sum and
13 interest thereon shall, in like manner, be added to the amount authorized
14 to be raised in the general tax levy of the next year and embraced
15 therein.

16 Sec. 174. Section 16-707, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-707 The mayor and city council shall meet as a board of
19 equalization each year at such times as they shall determine to be
20 necessary, giving notice of any such sitting at least ten days prior
21 thereto by publication in a legal newspaper in or of ~~having~~ general
22 circulation in the city. When so assembled they shall have power to
23 equalize all special assessments, not herein otherwise provided for, and
24 to supply any omissions in the assessments same; and at such meeting the
25 assessments shall be finally levied by them. A majority of all the
26 members elected to the city council shall constitute a quorum for the
27 transaction of any business properly brought before them, but a less
28 number may adjourn from time to time and compel the attendance of absent
29 members. When sitting as a board of equalization on special taxes, the
30 city council may adopt such reasonable rules as to the manner of
31 presenting complaints and applying for remedies and relief as shall seem

1 just. It shall not invalidate or prejudice the proceedings of the board
2 that a majority of the members thereof do not, after organization by a
3 majority, continue present during the advertised hours of sitting so long
4 as the city clerk or some member of the board shall be present to receive
5 complaints and applications and give information. No final action shall
6 be taken by the board except by a majority of all the members elected to
7 the city council comprising the same, and in open session. All the
8 special taxes herein authorized shall be levied and assessed on all lots,
9 parts of lots, lands, and real estate to the extent of the special
10 benefit to such lots, parts of lots, lands, and real estate, by reason of
11 such improvement, such benefits to be determined by the city council
12 sitting as a board of equalization, or as otherwise herein provided,
13 after publication and notice to property owners herein provided. In cases
14 where the city council sitting as a board of equalization shall find such
15 benefits to be equal and uniform, such assessments may be according to
16 the feet frontage and may be prorated and scaled back from the line of
17 such improvement according to such rules as the board of equalization may
18 consider fair and equitable; and all such assessments and findings of
19 benefits shall not be subject to review in any equitable or legal action
20 except for fraud, injustice, or mistake.

21 Sec. 175. Section 16-708, Revised Statutes Supplement, 2015, is
22 amended to read:

23 16-708 Whenever any special assessment upon any lot or lots or lands
24 or parcels of land in a city of the first class is found to be invalid
25 and uncollectible, shall be adjudged to be void by a court of competent
26 jurisdiction, or is paid under protest and recovered by suit, because of
27 any defect, irregularity, or invalidity in any of the proceedings or on
28 account of the failure to observe and comply with any of the conditions,
29 prerequisites, and requirements of any statute or ordinance, the mayor
30 and city council may relevy or reassess the special assessment upon the
31 lot or lots or lands or parcels of land in the same manner as other

1 special assessments are levied, without regard to whether the
2 formalities, prerequisites, or conditions prior to equalization have been
3 had or not.

4 Sec. 176. Section 16-709, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-709 In cases of any omission, mistake, defect, or irregularity in
7 the preliminary proceedings on any special assessment in a city of the
8 first class, the city council shall have power to correct such mistake,
9 omission, defect, or irregularity, and levy or relevel, as the case may
10 be, a special assessment on any or all property in the district, in
11 accordance with the special benefits received and damages sustained to
12 the property on account of such improvement as found by the city council
13 sitting as a board of equalization. The city council shall deduct from
14 the benefits and allow as a credit, before such relevel, an amount equal
15 to the sum of the installments paid in the original levy.

16 Sec. 177. Section 16-711, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-711 All money arising from the levying of a road tax against or
19 upon property in a said city of the first class shall belong to such the
20 city and shall be expended upon the streets and grades in such city.
21 ~~This ; Provided, this section shall not apply and has not heretofore~~
22 ~~applied to the disposition of money collected by levy of county road tax.~~
23 ~~Section ; and provided further, that all money which was collected before~~
24 ~~March 11, 1935, by any county under township organization from the levy~~
25 ~~of county road tax against or upon the property in said city and which~~
26 ~~has not been paid to said city shall belong to the county, and no part~~
27 ~~thereof need be paid to said city; Provided further, that section 49-301~~
28 shall not apply to preserve to any city any right which such ~~said~~ city
29 may have had or claimed with respect to such ~~said~~ money heretofore
30 collected by any county under township organization from the levy of
31 county road tax against or upon the property in such ~~said~~ city and which

1 has not been paid to such said city. ~~The ; and provided further, that the~~
2 provisions of this section shall be held and taken to apply to any case
3 brought in any court in this state.

4 Sec. 178. Section 16-712, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-712 The city treasurer shall deposit, and at all times keep on
7 deposit, for safekeeping, in banks, capital stock financial institutions,
8 or qualifying mutual financial institutions of approved and responsible
9 standing, all money collected, received, or held by him or her as city
10 treasurer. Such deposits shall be subject to all regulations imposed by
11 law or adopted by the city council for the receiving and holding thereof.
12 The fact that a stockholder, director, or other officer of such bank,
13 capital stock financial institution, or qualifying mutual financial
14 institution shall also be serving as mayor, as a member of the city
15 council, as a member of a board of public works, or as any other officer
16 of such city ~~municipality~~ shall not disqualify such bank, capital stock
17 financial institution, or qualifying mutual financial institution from
18 acting as a depository for such city ~~municipal~~ funds. Section 77-2366
19 shall apply to deposits in capital stock financial institutions. Section
20 77-2365.01 shall apply to deposits in qualifying mutual financial
21 institutions.

22 Sec. 179. Section 16-713, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-713 The city treasurer may, upon resolution of the mayor and city
25 council authorizing the action ~~same~~, purchase certificates of deposit
26 from and make time deposits in banks, capital stock financial
27 institutions, or qualifying mutual financial institutions selected as
28 depositories of city funds under the provisions of sections 16-712,
29 16-714, and 16-715. The certificates of deposit purchased and time
30 deposits made shall bear interest and shall be secured as set forth in
31 sections 16-714 and 16-715, except that the penal sum of such bond or the

1 sum of such security shall be reduced in the amount of the time deposit
2 or certificate of deposit insured or guaranteed by the Federal Deposit
3 Insurance Corporation. Section 77-2366 shall apply to deposits in capital
4 stock financial institutions. Section 77-2365.01 shall apply to deposits
5 in qualifying mutual financial institutions.

6 Sec. 180. Section 16-714, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-714 For the security of the fund so deposited, the city treasurer
9 shall require each depository to give bond for the safekeeping and
10 payment of such deposits and the accretions thereof, which bond shall run
11 to the city and be approved by the mayor. Such bond shall be conditioned
12 that such a depository shall, at the end of every quarter, render to the
13 city treasurer a statement in duplicate, showing the several daily
14 balances, the amount of money of the city held by it during the quarter,
15 the amount of the accretion thereto, and how credited. The bond shall
16 also be conditioned that the depository shall generally do and perform
17 whatever may be required by the provisions of sections 16-712 to 16-715
18 and faithfully discharge the trust reposed in such depository. Such bond
19 shall be as nearly as practicable in the form provided in section
20 77-2304. No person in any way connected with any depository as an officer
21 or stockholder shall be accepted as a surety on any bond given by the
22 depository of which he or she is an officer or stockholder. Such bond
23 shall be deposited with the city clerk. Section 77-2366 shall apply to
24 deposits in capital stock financial institutions. Section 77-2365.01
25 shall apply to deposits in qualifying mutual financial institutions.

26 Sec. 181. Section 16-716, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-716 The city treasurer shall not have on deposit in any bank,
29 capital stock financial institution, or qualifying mutual financial
30 institution at any time more than the amount insured or guaranteed by the
31 Federal Deposit Insurance Corporation plus the maximum amount of the bond

1 given by the bank, capital stock financial institution, or qualifying
2 mutual financial institution if the bank, capital stock financial
3 institution, or qualifying mutual financial institution gives a surety
4 bond, nor in any bank, capital stock financial institution, or qualifying
5 mutual financial institution giving a personal bond, more than the amount
6 insured or guaranteed by the Federal Deposit Insurance Corporation plus
7 one-half of the amount of the bond of such bank, capital stock financial
8 institution, or qualifying mutual financial institution, and the amount
9 so on deposit any time with any such bank, capital stock financial
10 institution, or qualifying mutual financial institution shall not in
11 either case exceed the amount insured or guaranteed by the Federal
12 Deposit Insurance Corporation plus the paid-up capital stock and surplus
13 of such bank, capital stock financial institution, or qualifying mutual
14 financial institution.

15 The city treasurer shall not be liable for any loss sustained by
16 reason of the failure of any such bonded depository whose bond has been
17 duly approved by the mayor as provided in section 16-714 or which has, in
18 lieu of a surety bond, given security as provided in section 16-715.

19 Sec. 182. Section 16-717, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 16-717 The city treasurer shall receive all money belonging to the
22 city, and the city clerk and city treasurer shall keep their books and
23 accounts in such a manner as the mayor and city council shall prescribe.
24 The city treasurer shall keep a daily cash book, which shall be footed
25 and balanced daily, and such books and accounts shall always be subject
26 to inspection of the mayor, members of the city council, and such other
27 persons as they may designate.

28 Sec. 183. Section 16-718, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-718 Upon allowance of a claim by the city council the order for
31 the payment thereof shall specify the particular fund out of which it is

1 payable as specified in the adopted budget statement, and no order or
2 warrant shall be drawn in excess of eighty-five percent of the current
3 levy for the purpose for which it is drawn unless there shall be
4 sufficient money in the treasury to the credit of the proper fund for its
5 payment, and no claim shall be audited or allowed except an order or
6 warrant for the payment thereof may legally be drawn. All warrants drawn
7 upon the treasury must be signed by the mayor and countersigned by the
8 city clerk, and shall state the particular fund to which the same is
9 chargeable, the person to whom payable, and for what particular object.
10 No money shall be otherwise paid than upon such warrant so drawn. Such
11 warrants may be delivered immediately when so drawn.

12 Sec. 184. Section 16-719, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-719 The city treasurer shall keep all money in his or her hands
15 belonging to the city separate and distinct from his or her own money. He
16 or she ; ~~and he~~ is hereby expressly prohibited from using, either
17 directly or indirectly, the city corporation money or warrants in his or
18 her custody and keeping for his or her own use and benefit or that of any
19 other person ~~whomsoever~~. Any violation of this section ~~provision~~ shall
20 subject him or her to immediate removal from office by the city council,
21 and the council ~~it~~ may declare such office vacant. The mayor shall
22 appoint a successor, who shall be confirmed by the city council, to hold
23 office for the remainder of the term.

24 Sec. 185. Section 16-720, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 16-720 The city treasurer shall report to the mayor and city council
27 annually, and more often if required, at such times as may be prescribed
28 by ordinance, giving a full and detailed account of the receipts and
29 expenditures during the preceding fiscal year, and the state of the
30 treasury. He or she shall also keep a register of all warrants redeemed
31 and paid during the year, describing such warrants, their date, amount,

1 number, time of payment, the fund from which paid, and the person to whom
2 paid. All such warrants shall be examined by the finance committee at the
3 time of making such annual report.

4 Sec. 186. Section 16-721, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 16-721 Each fund created under Chapter 16 ~~by this chapter~~ shall be
7 strictly devoted to the purpose for which it was created and shall not be
8 diverted therefrom. When ~~;~~ ~~Provided, however, when~~ the city council by a
9 three-fourths vote of the members thereof, shall declare the expenditure
10 of any fund for the purpose for which it was created to be unwise and
11 impracticable or where the purpose thereof has been fully accomplished
12 and the whole fund or an unexpired balance thereof remains, and no
13 indebtedness has been incurred on account of such fund which has not been
14 fully paid, such fund may be transferred to any other fund of the city by
15 the affirmative vote of three-fourths of all the members of the city
16 council.

17 Sec. 187. Section 16-722, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-722 The mayor and city council shall cause to be published
20 semiannually a statement of the receipts of the city and an itemized
21 account of the expenditures of the city.

22 Sec. 188. Section 16-723, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 16-723 All taxes levied for the purpose of raising money to pay the
25 interest or to create a sinking fund for the payment of the principal of
26 any funded or bonded debt of the city shall be payable in money only.
27 Except as otherwise expressly provided, no money so obtained shall be
28 used for any other purpose than the payment of the interest or debt for
29 the payment of which it shall have been raised. Such ~~;~~ ~~Provided, such~~
30 sinking fund may, under the direction of the mayor and city council, be
31 invested in any of the unmatured bonds issued by the city, provided they

1 can be procured by the city treasurer at such rate or premium as shall be
2 prescribed by ordinance. Any due or overdue bond or coupon shall be a
3 sufficient warrant or order for the payment of the same by the city
4 treasurer out of any fund especially created for that purpose without any
5 further order or allowance by the mayor or city council.

6 Sec. 189. Section 16-727, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 16-727 When the claim of any person against the city, except a tort
9 claim as defined in section 13-903, is disallowed in whole or in part by
10 the city council, such person may appeal from the decision of the city
11 council to the district court of the same county by causing a written
12 notice to be served on the city clerk within twenty days after making
13 such decision and executing a bond to such city, with good and sufficient
14 sureties to be approved by the city clerk, conditioned for the faithful
15 prosecution of such appeal and the payment of all costs that may be
16 adjudged against the appellant.

17 Sec. 190. Section 16-728, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 16-728 Any taxpayer may ~~likewise~~ appeal from the allowance of any
20 claim against the city, except a tort claim as defined in section 13-903,
21 by serving a written notice upon the city clerk within ten days from such
22 ~~said~~ allowance and giving bond as similar to that provided for in section
23 16-727. ~~When ; Provided, when~~ the city council, by ordinance, provides
24 for the publication of the list of the claims allowed, giving the amounts
25 allowed and the names of the persons to whom allowed, in a legal
26 newspaper in or ~~printed and published and~~ of general circulation in such
27 city, such appeal may be taken by a taxpayer by serving a notice thereof
28 within such time after such publication as may be fixed by such
29 ordinance, and giving bond for such appeal within ten days after such
30 allowance.

31 Sec. 191. Section 16-729, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 16-729 The city clerk, upon ~~an such~~ appeal being taken under section
3 16-728 and being paid the proper fees therefor, including fees for filing
4 the same in the district court, shall make out a transcript of the
5 proceedings of the city council, mayor, and other officers as relate to
6 the presentation and allowance or disallowance of such claim and shall
7 file it with the clerk of the district court within thirty days after the
8 decision allowing or disallowing the claim and paying the proper
9 commencement fees. Such appeal shall be entered on the docket of the
10 court, tried, and determined and costs awarded thereon in the manner
11 provided in sections 25-1901 to 25-1937. No appeal bond shall be required
12 of the city by any court in the case of an appeal by the city, and
13 judgment shall be stayed pending such appeal.

14 Sec. 192. Section 16-801, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 16-801 The Legislature finds and declares that the great increase
17 in the number of motor vehicles, buses, and trucks in Nebraska has
18 created hazards to life and property in cities of the first class in the
19 state ~~State recognition is hereby given to the hazard created in the~~
20 ~~streets of cities of the first class of Nebraska by the great increase in~~
21 ~~the number of motor vehicles, buses, and trucks.~~ In order to remove or
22 reduce such ~~the~~ hazards to life and property and the inconvenience of
23 congested traffic on the streets in such cities in this state, it is
24 hereby deemed necessary and of general benefit to the entire State of
25 Nebraska to provide means for such cities in Nebraska to own offstreet
26 vehicle parking facilities exclusively for the parking of motor vehicles.

27 Sec. 193. Section 16-802, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 16-802 Any city of the first class ~~in Nebraska~~ is hereby authorized
30 to own, purchase, construct, equip, lease, or operate within such city
31 offstreet motor vehicle parking facilities for the use of the general

1 public. ~~This~~ ~~The grant of power herein~~ does not include the power to
2 engage, directly or indirectly, in the sale of gasoline, oil, or other
3 merchandise or in the furnishing of any service other than that of
4 parking motor vehicles as provided in this section herein. ~~Such~~ Any such
5 city shall have the authority to acquire by grant, contract, or purchase
6 or through the condemnation of property, as provided by law for such
7 acquisition, all real or personal property, including a site or sites on
8 which to construct the facilities necessary or convenient in the carrying
9 out of this grant of power. Before any such city may commence a program
10 to construct, purchase, or acquire by other means a proposed offstreet
11 parking facility or facilities, notice shall be given, by publication in
12 a legal newspaper in or of general circulation in the city once each week
13 for not less than three weeks, inviting application for private ownership
14 and operation of offstreet parking facilities. If no application or
15 applications have been received or, if received, the application or
16 applications same have been disapproved by the ~~governing body of such~~
17 city council within ninety days from the first date of publication, then
18 such city may proceed in the exercise of the powers ~~herein~~ granted under
19 this section.

20 Sec. 194. Section 16-803, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-803 In order to pay the cost required by any purchase,
23 construction, lease, or condemnation of property and equipping of ~~such~~
24 facilities, or the enlargement of presently owned facilities, or to pay a
25 portion of the cost of ~~such~~ facilities purchased or constructed pursuant
26 to sections 19-3301 to 19-3326, a city of the first class ~~the city~~ may
27 issue revenue bonds to provide the funds for such improvements. Such
28 revenue bonds shall not be payable from any general tax upon the issuing
29 city municipality, but shall be a lien only upon the revenue and earnings
30 of the parking facilities. Such revenue bonds may be issued at an
31 interest cost to maturity set by the city council and shall mature in not

1 to exceed forty years but may be optional prior to maturity at a premium
2 as provided in the authorizing resolution or ordinance. Any such revenue
3 bonds which may be issued shall not be included in computing the maximum
4 amount of bonds which the issuing city of the first class may be
5 authorized to issue under its charter or any statute of this state. Such
6 revenue bonds may be issued and sold or delivered to the contractor at
7 par and accrued interest for the amount of work performed. If any city
8 has installed or installs onstreet parking meters, it may pledge all or
9 any part of the revenue of such parking meters, not previously pledged,
10 as security for the bonds ~~herein~~ authorized in this section.

11 Sec. 195. Section 16-804, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 16-804 Before the issuance of any revenue bonds as provided under
14 section 16-803, the city of the first class shall have an independent and
15 qualified firm of engineers prepare plans and specifications for such
16 improvements. In the preparation of the plans and specifications, the
17 independent engineer shall collaborate and counsel with any city
18 engineering or traffic departments so as to coordinate the program with
19 the program for the control of traffic within such ~~respective~~ city.

20 Sec. 196. Section 16-805, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 16-805 Before the issuance of any revenue bonds as provided under
23 section 16-803, the city council ~~The governing body of any such city of~~
24 ~~the first class~~ shall make all necessary rules and regulations governing
25 the use, operation, and control of the improvements thereof. In the
26 exercise of the grant of power as provided in sections 16-801 to 16-811
27 ~~herein set forth,~~ the city of the first class may make contracts with
28 ~~other~~ departments of the city, or others, if such contracts are necessary
29 and needed for the payment of the revenue bonds authorized herein and for
30 the successful operation of the parking facilities. The city council
31 ~~governing board~~ shall also establish and maintain equitable rates or

1 charges for such services sufficient in amount to pay for the cost of
2 operation, repair, and upkeep of the facilities to be purchased,
3 acquired, or leased, and the principal of and interest on any revenue
4 bonds issued pursuant to ~~the provisions of~~ sections 16-801 to 16-811. The
5 city council governing body may also make any other agreements with the
6 purchasers of the bonds for the security of the issuing city and the
7 purchasers of such bonds not in contravention with ~~the provisions of~~
8 sections 16-801 to 16-811.

9 Sec. 197. Section 16-806, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-806 The mayor and city council of a city of the first class may
12 adopt by ordinance the proposition to make such purchase or to erect such
13 facility or facilities as set forth in section 16-802, and before the
14 purchase can be made or facility created, the city council shall publish
15 in a legal newspaper in or of ~~having a~~ general circulation in the city
16 the location of the proposed offstreet motor vehicle parking facility or
17 facilities, the proposed cost, and the total amount of the bonds to be
18 issued. If the electors of such city, equal in number to five percent of
19 the electors of such city voting at the last preceding general municipal
20 election, file a written objection or objections to the proposed issuance
21 of revenue bonds within sixty days after the adoption of such ordinance,
22 the city council governing body must submit the question to the electors
23 of such city at a general municipal election or at a special ~~an~~ election
24 ~~duly~~ called for that purpose and be approved by a majority of the
25 electors voting on such question. If the question is submitted at a
26 special election, the vote for the purchase or acquisition of such real
27 estate or the purchase or erection of such facility or facilities shall
28 equal at least a majority of the votes cast at the last preceding general
29 election. Notice of the time and place of the election shall be given by
30 publication in a ~~some~~ legal newspaper ~~printed and in or of~~ general
31 circulation in such city three successive weeks prior thereto.

1 Sec. 198. Section 16-807, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-807 On the creation of a such motor vehicle parking facility as
4 provided under section 16-802 for the use of the general public, the city
5 may ~~if it desires~~ lease such facility to one or more operators to provide
6 for the efficient operation of the facility. Such lease shall be let on a
7 competitive basis and no lease shall run for a period in excess of ten
8 years. In granting any lease, the city shall retain such control of the
9 facility as may be necessary to insure that the facility will be properly
10 operated in the public interest and that the prices charged are
11 reasonable. The provisions of sections 16-801 to 16-811 shall not be
12 construed to authorize the city or the lessee of the facility to engage
13 in the sale of any commodity, product, or service, or to engage in any
14 business other than the purposes set forth in section 16-802.

15 Sec. 199. Section 16-809, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 16-809 The provisions of sections 16-801 to 16-811 and of any
18 ordinance authorizing the issuance of bonds under the provisions of
19 sections 16-801 to 16-811 shall constitute a contract with the holders of
20 such bonds, and any holder of a bond or bonds or any of the coupons of
21 any bond or bonds of such city municipality, issued under the provisions
22 of sections 16-801 to 16-811, may either in law or in equity, by suit,
23 action, mandamus, or other proceedings, enforce and compel the
24 performance of all duties required by the provisions of sections 16-801
25 to 16-811 or by the ordinance authorizing the bonds, including the making
26 and collection of sufficient charges and fees for service and the use
27 thereof, and the application of income and revenue thereof.

28 Sec. 200. Section 16-810, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 16-810 Any city of the first class is authorized to use any or all
31 of the revenue from onstreet parking meters for the purpose set forth in

1 section 16-802 if such revenue has not been pledged for the payment of
2 revenue bonds authorized in section 16-803 herein.

3 Sec. 201. Section 16-901, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 16-901 (1) Except as provided in section 13-327 and subsection (2)
6 of this section, the extraterritorial zoning jurisdiction of a city of
7 the first class shall consist of the unincorporated area two miles beyond
8 and adjacent to its corporate boundaries.

9 (2) For purposes of sections 70-1001 to 70-1020, the
10 extraterritorial zoning jurisdiction of a city of the first class shall
11 consist of the unincorporated area one mile beyond and adjacent to its
12 corporate boundaries.

13 (3) Any ~~Except as provided in section 13-327,~~ any city of the first
14 class may apply by ordinance any existing or future zoning regulations,
15 property use regulations, building ordinances, electrical ordinances,
16 plumbing ordinances, and ordinances authorized by section 16-240 within
17 its extraterritorial zoning jurisdiction to the unincorporated area two
18 miles beyond and adjacent to its corporate boundaries with the same force
19 and effect as if such ~~outlying~~ area were within the corporate limits of
20 the such city, except that no such ordinance shall be extended or applied
21 so as to prohibit, prevent, or interfere with the conduct of existing
22 farming, livestock operations, businesses, or industry. ~~For purposes of~~
23 ~~sections 70-1001 to 70-1020, the zoning area of a city of the first class~~
24 ~~shall be one mile beyond and adjacent to the corporate area.~~ The fact
25 that the extraterritorial zoning jurisdiction such unincorporated area is
26 located in a different county or counties than some or all portions of
27 the municipality shall not be construed as affecting the powers of the
28 city to apply such ordinances.

29 Sec. 202. Section 16-902, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 16-902 (1) Except as provided in section 13-327, a city of the first

1 class may designate by ordinance the portion of the territory located
2 within its extraterritorial zoning jurisdiction ~~two miles of the~~
3 ~~corporate limits of the city~~ and outside of any other organized city or
4 village within which the designating city will exercise the powers and
5 duties granted by sections 16-902 to 16-904 or section 19-2402.

6 (2) No owner of any real property located within the area designated
7 by a city pursuant to subsection (1) of this section or section 13-327
8 may subdivide, plat, or lay out such real property in building lots,
9 streets, or other portions of the same intended to be dedicated for
10 public use or for the use of the purchasers or owners of lots fronting
11 thereon or adjacent thereto without first having obtained the approval of
12 the city council of such city or its agent designated pursuant to section
13 19-916 and, when applicable, having complied with sections 39-1311 to
14 39-1311.05. The fact that such real property is located in a different
15 county or counties than some or all portions of the city shall not be
16 construed as affecting the necessity of obtaining the approval of the
17 city council of such city or its designated agent.

18 (3) In counties that (a) have adopted a comprehensive development
19 plan which meets the requirements of section 23-114.02 and (b) are
20 enforcing subdivision regulations, the county planning commission shall
21 be provided with all available materials on any proposed subdivision
22 plat, contemplating public streets or improvements, which is filed with a
23 city of the first class municipality in that county, when such proposed
24 plat lies partially or totally within the portion of that city's
25 extraterritorial zoning subdivision jurisdiction where the powers and
26 duties granted by sections 16-902 to 16-904 are being exercised by that
27 city municipality in such county. The commission shall be given four
28 weeks to officially comment on the appropriateness of the design and
29 improvements proposed in the plat. The review period for the commission
30 shall run concurrently with subdivision review activities of the city
31 municipality after the commission receives all available material for a

1 proposed subdivision plat.

2 Sec. 203. Section 16-905, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 16-905 An ordinance of any city of the first class designating the
5 extraterritorial zoning ~~its jurisdiction over territory outside of the~~
6 ~~corporate limits~~ of the city under section 16-901 or 16-902 shall
7 describe such territory by metes and bounds or by reference to an
8 official map.

9 Sec. 204. Section 16-1014, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 16-1014 A retirement committee shall be established to supervise the
12 general operation of the retirement system established pursuant to the
13 Police Officers Retirement Act. ~~The governing body of the city~~ council
14 shall continue to be responsible for the general administration of such
15 retirement system unless specific functions or all functions with regard
16 to the administration of the retirement system are delegated, by
17 ordinance, to the retirement committee. Whenever duties or powers are
18 vested in the city or the retirement committee under the act or whenever
19 the act fails to specifically allocate the duties or powers of
20 administration of the retirement system, such powers or duties shall be
21 vested in the city unless such powers or duties have been delegated by
22 ordinance to the retirement committee. The city and the retirement
23 committee shall have all powers which are necessary for or appropriate to
24 establishing, maintaining, managing, and administering the retirement
25 system.

26 Sec. 205. Section 16-1034, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 16-1034 A retirement committee shall be established to supervise the
29 general operation of the retirement system. ~~The governing body of the~~
30 city council shall be responsible for the general administration of such
31 retirement system unless specific functions or all functions with regard

1 to the administration of the retirement system are delegated, by
2 ordinance, to the retirement committee. All costs incurred with regard to
3 the administration of the retirement system shall be paid by the city
4 from the unallocated employer account as provided in section 16-1036.01.

5 The city and retirement committee shall have all powers which are
6 necessary for or appropriate to establishing, maintaining, managing, and
7 administering the retirement system. Whenever sections 16-1020 to 16-1042
8 fail to address the allocation of duties or powers in the administration
9 of the retirement system, such powers or duties shall be vested in the
10 city unless such powers or duties have been delegated by ordinance to the
11 retirement committee.

12 Sec. 206. Section 16-1035, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 16-1035 Each retirement committee established pursuant to section
15 16-1034 shall consist of six members of which four members shall be
16 selected by the active paid firefighters excluding firefighters
17 identified in section 16-1039. Two members shall be designated by the
18 city council. The members who are not participants in such retirement
19 system shall have a general knowledge of retirement plans. Members of the
20 city council ~~governing body of such city~~, active members of the fire
21 department, and members of the general public may serve on the retirement
22 committee. The committee members shall be appointed to four-year terms.
23 Vacancies shall be filled for the remainder of the term by a person with
24 the same representation as his or her predecessor. Members of the
25 retirement committee shall, subject to approval by the city council, be
26 reimbursed for their actual and necessary expenses incurred in carrying
27 out their duties.

28 Sec. 207. Section 19-2402, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 19-2402 (1) Whenever the city council of any city of the first or
31 second class or the board of trustees of a village deems it necessary and

1 advisable to extend municipal water service or municipal sanitary sewer
2 service to territory beyond the existing systems, such municipal
3 officials may, by ordinance, create a district or districts to be known
4 as sanitary sewer extension districts or water extension districts for
5 such purposes, and such district or districts may include properties
6 within the corporate limits of the municipality and the extraterritorial
7 zoning jurisdiction as established pursuant to section 16-901 ~~16-902~~ or
8 17-1002.

9 (2) The owners of lots and lands abutting upon a street, avenue, or
10 alley, or part thereof, may petition the council or board to create a
11 sanitary sewer extension district or a water extension district. The
12 petition shall be signed by owners representing at least two-thirds of
13 the front footage abutting upon the street, avenue, or alley, or part
14 thereof, within the proposed district, which will become subject to an
15 assessment for the cost of the improvement.

16 (3) If creation of the district is not initiated by petition, a vote
17 of at least three-fourths of all the members of the council or board
18 shall be required to adopt the ordinance creating the district.

19 (4) Such ordinance shall state the size and kind of sewer mains or
20 water mains proposed to be constructed in such district and shall
21 designate the location and terminal points thereof. Such ordinance shall
22 also refer to the plans and specifications for such utility extensions
23 which shall have been made and filed with the municipal clerk by the
24 municipal engineer prior to the introduction of the ordinance, and the
25 city or village engineer at the time of filing such plans and
26 specifications shall make and file an estimate of the total cost of the
27 proposed utility extension. The ordinance shall also state the outer
28 boundaries of the district or districts in which it is proposed to make
29 special assessments.

30 (5) Upon creation of an extension district, whether by vote of the
31 governing body or by petition, the council or board shall order the sewer

1 extension main or water extension main laid and, to the extent of special
2 benefit, assess the cost thereof against the property which abuts upon
3 the street, avenue, or alley, or part thereof, which is located in the
4 district.

5 Sec. 208. Original sections 16-102, 16-103, 16-104, 16-105, 16-117,
6 16-119, 16-120, 16-122, 16-124, 16-125, 16-126, 16-127, 16-128, 16-129,
7 16-202, 16-206, 16-212, 16-213, 16-214, 16-217, 16-218, 16-219, 16-220,
8 16-221, 16-222, 16-225, 16-226, 16-227, 16-229, 16-231, 16-232, 16-233,
9 16-236, 16-238, 16-239, 16-241, 16-246, 16-247, 16-249, 16-251, 16-253,
10 16-302.01, 16-304, 16-305, 16-306, 16-308, 16-309, 16-310, 16-312,
11 16-314, 16-319, 16-320, 16-321, 16-322, 16-323, 16-324, 16-325, 16-326,
12 16-327, 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-501, 16-502,
13 16-503, 16-606, 16-607, 16-609, 16-613, 16-617, 16-618, 16-619, 16-620,
14 16-621, 16-622, 16-623, 16-624, 16-625, 16-626, 16-627, 16-628, 16-632,
15 16-633, 16-634, 16-635, 16-636, 16-637, 16-646, 16-647, 16-649, 16-650,
16 16-651, 16-653, 16-654, 16-655, 16-661, 16-662, 16-665, 16-666, 16-667,
17 16-667.01, 16-667.02, 16-667.03, 16-670, 16-671, 16-672.01, 16-672.02,
18 16-672.03, 16-672.04, 16-672.05, 16-672.06, 16-672.07, 16-672.08,
19 16-672.11, 16-676, 16-677, 16-678, 16-679, 16-680, 16-681, 16-682,
20 16-683, 16-684, 16-684.01, 16-686, 16-686.01, 16-687, 16-688, 16-691,
21 16-691.01, 16-691.02, 16-692, 16-693, 16-694, 16-695, 16-696, 16-697,
22 16-697.01, 16-697.02, 16-698, 16-699, 16-6,100, 16-6,100.03, 16-6,100.05,
23 16-6,101, 16-6,102, 16-6,103, 16-6,104, 16-6,105, 16-6,107, 16-6,108,
24 16-6,109, 16-701, 16-702, 16-704, 16-706, 16-707, 16-709, 16-711, 16-712,
25 16-713, 16-714, 16-716, 16-717, 16-718, 16-719, 16-720, 16-721, 16-722,
26 16-723, 16-727, 16-728, 16-729, 16-801, 16-802, 16-803, 16-804, 16-805,
27 16-806, 16-807, 16-809, 16-810, 16-901, 16-902, 16-905, 16-1014, 16-1034,
28 16-1035, and 19-2402, Reissue Revised Statutes of Nebraska, sections
29 16-313, 16-317, and 16-318, Revised Statutes Cumulative Supplement, 2014,
30 and sections 16-207, 16-230, 16-240, 16-243, 16-250, 16-615, 16-630,
31 16-631, 16-664, 16-669, 16-672, and 16-708, Revised Statutes Supplement,

1 2015, are repealed.